

APPENDIX 1

Lexington
Fayette
Urban
County
Government

DEPARTMENT OF LAW

To: Anne V. Gabbard, Urban County Council
From: Department of Law
Date: December 22, 1981
Re: Rental of R-1 property.

This is in response to your request as to whether there is a limit to the number of persons who may reside in a piece of property zoned single family residential.

"Single family detached dwellings" are principal permitted uses in all four of the single family residential zones. In order to determine the number of persons who qualify to live in a single family detached dwelling, we must look at the definitions. Section 24.26 of the Zoning Ordinance defines "dwelling, single family" as "a building occupied exclusively for residence purposes by one family or one housekeeping unit." In turn, "family" is defined in Section 24.30 as follows:

A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, but not including a group occupying a hotel, club, boarding, lodging, fraternity or sorority house, institution for human care or other similar building. (Emphasis added).

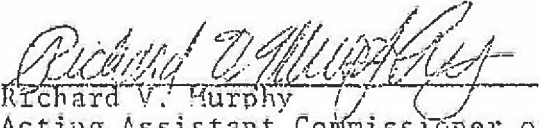
A boarding house is defined in Section 24.16 to be a building "with sleeping rooms available for hire with or without meals to five or more persons primarily not transients. Where cooking equipment or provisions for the same are included in a sleeping room, such room shall be deemed a dwelling unit."

Thus, the Zoning Ordinance does not define "family" in terms of the number of persons occupying a residence. Instead, the people living in a unit must use common cooking facilities and must live together as a single housekeeping unit. For example, if the owner of a building rents out rooms on an individual basis to five or more people, the use would be a boarding house and would not be allowed in the single family zones. However, if a residence is rented to a

Anne V. Gabbard, Urban County Council
Page Two
December 22, 1981

group which meets the definition of family, it is allowed in the single family residential zone.

In response to your second question, one parking space is required per dwelling unit, regardless of whether the individuals are related or not.


Richard V. Murphy
Acting Assistant Commissioner of
Law

RVM:irh

cc: James G. Amato, Mayor
Frank M. Mattone, CAO
Fred Wynson, Acting Commissioner, Community Development
John F. McCauley, Commissioner, Public Safety
Bill Holcomb, Director, Division of Building Inspection
Dale Thoma, Director, Division of Planning

APPENDIX 2

ARTICLE XXXIX. TOWN AND GOWN COMMISSION*

***Editor's note:** Section 1 of Ord. No. 289-99, adopted Oct. 21, 1999, added a new §§ 2-396--2-402 to the Code; however, said provisions have been redesignated as § 2-421--427, at the editor's discretion, for purposes of future expansion.

Sec. 2-421. Created; purpose.

(a) A commission is hereby created, which shall be known as the "Town and Gown Commission," hereinafter referred to as "the commission."

(b) The commission is established for the purpose of pursuing the recommendations of the 1999 University of Kentucky Neighborhoods Committee; improving communication between the university and other community elements including neighborhoods, local government, students, business community and others; and to analyze issues of common concern and develop recommendations for consideration by the mayor of the urban county government and the President of the University of Kentucky.

(Ord. No. 289-99, § 1, 10-21-99)

Sec. 2-422. Membership.

The membership of the commission shall be composed of eighteen (18) appointed members and three (3) ex officio members, as follows:

(1) Nine (9) of the members shall be appointed by the Mayor of the Lexington-Fayette Urban County Government, subject to confirmation by a majority of urban county council members, as follows:

- a. One (1) member from the administration of the urban county government;
- b. Three (3) landlord/business community representatives, each of whom own residential rental property or business concerns in the immediate area of the main campus of the University of Kentucky;
- c. Three (3) neighborhood organization representatives, selected from among nominees to be submitted to the mayor by incorporated neighborhood associations whose recognized boundaries are contiguous to the border of the main campus of the University of Kentucky; and
- d. Two (2) at large urban county council members.

(2) The ex officio members shall consist of the urban county council member from the Third District the urban county council member from the Eleventh District, and the Executive Director of the Downtown Development Authority.

(3) Seven (7) of the members shall be appointed by the President of the University of Kentucky, and two (2) of the members shall be appointed by the President of Transylvania University, for their respective universities, as follows:

- a. Four (4) University of Kentucky administration representatives and one (1)

Transylvania University administration representative; and

b. Three (3) University of Kentucky student representatives, and one (1) Transylvania University student representative, enrolled at their respective universities at the time of appointment. Discontinuation of enrolled-student status shall disqualify the incumbent and be cause for a new appointment to be made.

(Ord. No. 289-99, § 1, 10-21-99; Ord. No. 30-2003, § 1, 2-6-03)

Sec. 2-423. Terms.

Terms of members shall be four (4) years from the date of appointment, provided the terms of those originally appointed shall be staggered so that five (5) members shall be appointed for one (1) year, three (3) members shall be appointed for two (2) years, five (5) members shall be appointed for three (3) years, and five (5) members shall be appointed for four (4) years. The term rotation shall be established so that at least one (1) term expires each year for: LFUCG council/administration; landlord/business community representatives; university administrators; student representatives; and neighborhood representatives. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired terms. The membership of the urban county council members shall be deemed to have been terminated when their respective term of office on the urban county council ends, and the membership of the Executive Director of the Downtown Development Authority shall be deemed to have terminated when his or her employment as the director ends. The first members of the commission shall assume their duties effective November 1, 1999.

(Ord. No. 289-99, § 1, 10-21-99; Ord. No. 30-2003, § 2, 2-6-03)

Sec. 2-424. Officers; records.

The commission shall have joint chairpersons to be appointed by the mayor, with one chairperson selected from those members appointed by the mayor and one chairperson selected from those members appointed by the President of the University of Kentucky. The joint chairpersons shall serve for two year terms and may be appointed for additional terms. A secretary shall be elected from the membership for a two-year term and the commission shall determine its own rules and order of business and shall provide for keeping a record of its proceedings.

(Ord. No. 289-99, § 1, 10-21-99)

Sec. 2-425. Frequency of meetings.

The commission shall meet at least quarterly at a date, place and time to be selected by the joint chairpersons, with notice provided in accordance with applicable open meetings laws.

(Ord. No. 289-99, § 1, 10-21-99)

Sec. 2-426. Quorum.

A majority of the members of the commission created by this article shall constitute a quorum for the transaction of business at any meeting. The acts of a majority of the quorum in any regular or special meeting of the commission shall be the acts of the commission.

(Ord. No. 289-99, § 1, 10-21-99)

Sec. 2-427. Powers and duties.

The commission may consider issues of common concern relating to the mutual health and benefit of the university and the community, including but not limited to the condition and availability of affordable housing and its relationship to the presence of on-campus housing; public transit opportunities; respective roles of the university and community in the regulation of parking, traffic, student behavioral issues, maintenance and renovation of surrounding properties and infrastructure; matters of common concern affecting zoning, land use, and the environment; and exploring private/public development and grant funding opportunities.

(Ord. No. 289-99, § 1, 10-21-99)

APPENDIX 3

Lexington Area Party Plan

The official ordinance of the Lexington Area Party Plan reads:
Sec. 14-96. Lexington Area Party Plan.

(a) For the purposes of this section, which shall be known as the "Lexington Area Party Plan" the following definitions shall apply:

- (1) Disturbance complaint means a complaint that is based upon a violation of sections 14-70 through 14-80, or other unlawful activity that may take place at a party or social gathering, including but not limited to disorderly conduct, the possession of alcohol by minors, or the use or possession of illegal substances.
- (2) Dwelling unit shall have the same meaning as provided in section 14-70.
- (3) Enforcement action means that the division of police, upon responding to a disturbance complaint and substantiating that unlawful activity is occurring, takes action to shut down the unlawful activity and issue any citation(s) or make any arrest(s), as appropriate.
- (4) No party property means a dwelling unit or residence that has been identified and certified by the division of police as being a disturbance problem.
- (5) Disturbance problem means that a dwelling unit or residence has generated at least two (2) enforcement actions where citations were issued or arrests made within a one-year period. In the event that all citations issued and arrests made pursuant to a particular enforcement action are successfully appealed, that enforcement action shall not be utilized as a basis to determine that a property is a disturbance problem.

(b) The division of police shall keep accurate and sufficient records such that it is able to readily ascertain the number of disturbance complaints associated with any dwelling unit or residence located within Fayette County, any action taken by the division of police in response to said complaints and the final disposition of such action.

(c) Upon determining that a dwelling unit or residence is a disturbance problem, the division of police shall immediately certify that property as being a "no party property". A "no party property" certification shall be in effect for a period of one (1) year from the date of the initial certification. If, during this one-year period, another disturbance complaint is received by the division of police and the division of police takes enforcement action in response to said complaint, the certification shall automatically be extended to run for a period of one (1) year from the date of the latest disturbance complaint unless all citations issued and arrests made pursuant to the latest enforcement action are successfully appealed.

(d) Upon certifying a dwelling unit or residence as a "no party property", the division of police shall notify the property owner and occupant(s) by:

- (1) Providing a notice of such certification, along with a copy of the provisions of this section, via personal service or by certified or registered mail, to the street address listed for said property;
- (2) In the event that the property is not owner-occupied, also providing a notice of such certification, along with a copy of the provisions of this section, via personal service or by certified or registered mail to the last-known address of the owner of the property as it appears on the current tax assessment rolls; and
- (3) Providing with such notification a sticker or similar document to be displayed in a prominent place within the premises during the period of time that the premises is certified for the purpose of placing persons on notice that the property has been so certified. This additional notification shall include the term "no party property" and shall list a point of contact telephone number for any questions that may arise with respect to the certification.

(e) Any occupant of a dwelling unit or residence that has been certified as a "no party property" by the division of police who allows unlawful activity at that property which results in a disturbance complaint leading to an enforcement action shall be in violation of this section.

(f) In the event that a disturbance complaint is received by the division of police during the period of time that a dwelling or residence is certified as a "no party property", the division of police shall, upon substantiating that a violation is occurring, take immediate enforcement action, including the issuance of any and all appropriate citations for violation of this section.

(g) The property owner or occupant of a dwelling unit or residence certified as a "no party property" may petition the commissioner of public safety at any time to have the certification removed. Upon a sufficient showing that the basis for the problem has been adequately addressed and that the property is not likely to be a disturbance problem in the future, the commissioner of public safety shall remove the "no party property" certification.

(h) Nothing contained in this section shall be construed to permit conduct prohibited by any other statutes, ordinance, or regulation, or to prohibit the enforcement thereof.

(i) Any person who violates subsection (c) this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Any person found guilty of a second offense of this section which occurred within twelve (12) months of the first offense shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and any person found guilty of a third offense of this section which occurred within twelve (12) months of the first and second offenses shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 315-2001, § 1, 12-13-01)

This ordinance states that if you have a party, and police are called and are required to take action more than twice, you will be in violation of the Lexington Area Party Plan. If your residence has generated at least two police enforcement actions where citations were issued or arrests were made within a one-year period, your residence will fall under the Lexington Area Party Plan. Your next violation, citation, etc. will have a \$500 fine added to the regular fine.

APPENDIX 4

URBAN COUNTY COUNCIL
PLANNING COMMITTEE SUMMARY

NOVEMBER 20, 2007

Ms. Gorton chaired the meeting, calling it to order at 1:00 pm. All committee members were present except CM Crosbie.

I. Student Housing

Dr. Stevens stated he has been involved with student housing around UK since 1999 when the Mayor at that time appointed a task force of neighborhoods that surround the university to review this problem and come with some thoughts on how it could be approached. One of the ideas that came out of this was the creation of the Town and Gown Commission with representatives from LFUCG, UK, landlords, neighborhood presidents and students. He stated the Town and Gown Commission started in 2000 and has been meeting regularly since then. He stated despite all the effort they have not been able to resolve the problem of dense student housing in some neighborhoods. Dr. Stevens gave an overview of the information in the packet. He also stated that State College and Morgantown WV has started a home buy back program. He stated they have a plan that when a student home becomes available on the market the city buys it. They retain ownership of the land in a land trust and sales the building. He stated in the 3 or 4 years they have been doing this they have converted approximately 45 houses back into owner occupied houses. Dr. Stevens stated LFUCG is now looking into a buy back program and what we can do about it.

Charlie Boland, Mayor's Office, stated they have had a sub committee of the Town and Gown Commission that has met to begin discussion particularly the buy back program and use of a landbank. He stated a landbank has to be set up legally structured and must have a goal. He stated State College uses predominantly home money and CDBG money to do this program. He stated their observation is that it is geared mainly towards preservation and rehabilitation of the housing stock and then used as a first time home buyer approach. He stated that is how the federal funds are made eligible for use by the program. He stated it appears that most of the homes purchased have been jointly by the parents and students. He stated they are exempt from the student home rule which is a spacing requirement. He stated that a 150K home could be sold for 100K by taking the land cost out. He stated they have discussed how this program may be tailored to fit the situation in our community. Mr. Boland stated it is an approach that is being used in the Newtown Pike project.

CM Blues stated we have certain issues caused by the concentration of a population that is essentially transient not as fully invested in the community and its

particular future as permanent residents are. He stated the problem has been caused significantly by the university itself. He stated we have a university that wants to grow but has no serious plans to increase its student housing, has alcohol policy that basically says go drink elsewhere and hypes its sports programs. He asked where the university stands with the issues that the city is dealing with.

Lisa Higgins Hord, UK VP Assistant/Community Engagement, stated this is part of the university issue and LFUCG shouldn't deal with it alone. She stated the majority of the students are good students. She stated they have not taking a formal position on this yet. She stated it is important for the university to look at what other universities are doing. She stated they will not take an immediate stand on one issue they are just beginning to look at. Ms. Higgins Hord stated they know it is something they need to be a part of. She stated she would like to see a balance approach.

CM McChord stated the university is a major economic driver in this state that has been mandated by the legislature to be a top 20 research institution. He stated we have a tough time now finding where to put people and now we are going to grow this by 7000 to 8000 students. He stated we have to figure out what is our role in this and what we can do. CM McChord asked what the purpose of today's meeting is.

Dr. Stevens stated he looks at it as a public meeting for input.

CM Gorton stated she is expecting to hear ideas from citizens that are going to speak.

CM McChord stated we need to talk about short term solutions and what are some of the long terms solutions. He stated UK has been putting before the legislature their desire to have their own bonding capacity. He stated they need to devise a resolution to send to General Assembly supporting their initiative to do that.

CM Beard stated all student housing and problems are not located off Elizabeth St. He stated it is not all located near the university.

CM James asked who is meeting discussing this issue and is everybody represented. She stated they need to be in contact with those meeting and see what each group sees the issue being. She asked Mr. Boland what is defined as affordable.

Mr. Boland stated that is part of the preliminary discussion they have had about this. He stated there is no proposal even being considered. He informed the committee the Town & Gown Commission is set up of LFUCG, UK, Transylvania, neighborhoods, landlords and student representatives.

CM James stated there is nothing in the packet showing the negative impact of a student zone.

CM Beard asked how would financing take place on the buy back program.

Mr. Boland stated he can't answer that question specifically.

CM Beard stated this problem is more global than the defined area of the Town and Gown group. He stated they should consider asking the Mayor to form a task force to look into this instead of handing it back to Town and Gown.

Vice Mayor stated they are looking at evaluating where Town & Gown is now. He stated Town & Gown is focused on long term. He stated there is not an overnight fix. Vice Mayor stated we need to see all points of view.

CM James stated what are the particular aspects they are looking to diminish with lower intensity student housing.

Dr. Stevens stated the problems that are present relates to too many cars, noise, trash, and alcohol.

CM James stated we have current ordinances that deal with all these issues.

Dr. Stevens stated enforcement is the issue.

CM DeCamp stated we know that we are a college town and all college towns have these issues with student housing. He stated there are good students out there but then you also have the bad apples.

CM Myers stated we have plenty of laws on the books that deal with these issues. He stated we need to look at enforcing current laws instead of writing new laws. He stated a task force is a good idea.

The committee heard from many neighborhood association representatives, university area housing association, landlords, and students.

A motion by CM Beard for the Vice Mayor to form a task force to study this issue, seconded by Dr. Stevens, passed unanimously.

Vice Mayor stated they will have conversation about the proper structure of it.

Planning Committee meeting adjourned at 3:05 pm.

Gorton
Blues
Gray
Ellinger
James
Beard
Stevens
Stinnett
Crosbie
McChord

A G E N D A
PLANNING COMMITTEE
November 20, 2007
1:00 P.M

1. Student Housing - Stevens (1-34)
2. Items Referred to Committee (35)

"Planning Committee, to which should be referred matters relating to parks, planning and zoning, housing, transportation, grants, legislation and social services."

Council Rules & Procedures, Section 2.102(1)

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

Memorandum

To: Council Members
From: David B. Stevens
Date: November 20, 2007
Subject: Student Homes

Earlier this year Lisa Higgins-Hord, UK assistant vice president for Community Engagement, and Bob Wiseman, UK, vice president for facilities management, spent a day in the Borough of State College next to Pennsylvania State University. I had met some of the Council and the city manager at a University Communities meeting at the national League of Cities. They told me about a successful program that had converted some student occupied houses back to single family homes.

As we met with the city officials and toured the campus and the adjacent neighborhoods, it was apparent that there was little if any indication that students were occupying the houses we witnessed. The borough is a small community but there are more students living there than permanent residents.

We learned about the house buy back program started by the city. When available, the student residence is purchased, rehabilitated, and then the building is sold to an occupant who will live in the house. The land remains in a land trust which reduces the value of most houses to a so-called affordable range. They speak highly of the program and it has accomplished what the city was seeking, an appropriate 50-50 balance between students and permanent residences.

We also learned about their ordinance dealing with student homes. They credit this program equally with the buy-back in achieving their goals. It requires registration of all houses rented to students which creates important control over the properties in obtaining existing ordinances such as we have in Lexington. The measure that is most effective in their opinion is the separation of the student homes by width of three average lots. The student houses are not concentrated in one area and the 50-50 ratio is maintained. If such an ordinance were to be adopted in Lexington, I would recommend current student residences be allowed to continue until it is no longer used as a student home.

I have worked with the Elizabeth Street neighborhoods for almost ten years and I believe all the measures that have been instituted have not been adequate to reverse the deterioration of the area. In my opinion, it is time for other measures. Included in your packet is what other communities with significant student populations in residential areas have tried.

David B Stevens
5th District Council
past co-chair of the Town and Gown Commission
past chair of the NLC University Community Caucus

A Visit to Borough of State College and Pennsylvania State University on May 9, 2007

University of Kentucky Vice President for Facilities Management Robert D. Wiseman and Assistant Vice President for Community Engagement Lisa Higgins-Hord and I, David B. Stevens, LFUCG 5th District Council Member and immediate past Co-Chair of the Town and Gown Commission, journeyed in N7139T to State College, PA to learn about their student housing initiatives and their program to purchase homes used for student housing and convert back to owner-occupied, affordable housing.

We were met at the airport by Herman Slaybaugh and Lee Hoover, planners for State College, who drove us back to town through the campus and through a neighborhood north of town occupied by residents and many student accommodations. Mr. Slaybaugh described many of the ordinances enacted to regulate student housing such as rental licensing permits, a limit of three unrelated residents per household, and geographic separation of student homes in various zoning districts. He also told us about the demographics of State College with a total population of 38,420, of which 26,800 are students. Apparently most of the students live in mid-rise apartment houses adjacent to the campus but there 250 or so student homes in the residential areas. An ordinance adopted in 1997, the student home rule, was the last adopted which registered all student homes. Since adopted, only 8 more homes have been registered. See attachment 1.

After arrival at city hall, we were joined by City Manager Thomas J. Fontaine, II; Assistant City Manager Thomas S. Kurtz; Planner Etta E. Habegger; and Council President Catherine Dauler for a discussion of the situation with the city and university. The university has been building modern dormitories on the campus that students accept, but the majority of students still live in privately provided places.

Ms. Habegger then gave us presentation of the student home buy-back program but also covered the other programs being utilized to provide affordable housing. The real estate prices seemed to be about the same as ours and exceeded affordable limits for Housing and Urban Development guidelines. A land trust was created to purchase the properties. After rehabilitation the building is sold but the trust retains ownership of the property which reduces the selling price by about 1/3. So far, about 45 units have gone through this program which also includes one or both units in duplexes. The money to initiate the program and continue it came mostly from HUD Home and CDBG as well as some local and state monies. See attachment 2 for a review of the programs.

We then went with Catherine Dauler on a tour of houses that had been converted or were in the process. I was impressed with the cleanliness and lack of litter in the neighborhoods as well as the quality of the homes in the process of conversion. State College has a good street tree program with replacement and maintenance by the city

after initial planting by the property owner. It was evident on the tour that such a program in Lexington would be of value.

After the second tour we joined all of the program participants for a lunch in a delightful restaurant on the main street separating the campus from the town in a bustling business district with no vacancies.

It was my impression that with a student home ordinance that would include rental licensing, with permit revocation if repeated violations of code or noise ordinances occurred, plus the land trust buy-back program that the neighborhoods around the University of Kentucky can be saved. Next step might be review of the ordinances in State College by the Town and Gown Commission with a recommendation to come to the Mayor, CAO, and the Council as soon as possible.

We were then given a ride back to the airport and passed by the Continuous Care Retirement Community which had just been developed. Journey home was uneventful.

Respectfully submitted,

David B. Stevens

What Other College Communities Have Done

Examples of Regulatory Actions to Preserve the Single-Family, Residential Character of a Campus Neighborhood

West Urbana is not alone in trying to preserve its single-family residential neighborhood. The May 2002 issue of *Zoning News*, a publication of the American Planning Association, discusses "How Communities Address the Problems of Students Living Off-Campus." It lists effective strategies to reverse the "encroachment of student rental housing into nearby single-family neighborhoods and the negative effects of this encroachment."¹ Research by members of the West Urbana Neighborhood Association details solutions other college communities have implemented to achieve these goals.² What follows are examples from which we can extrapolate and learn.

Restrict the Definition of Family "The most common method of attempting to deal with over-occupation of rental properties in a single-family district."

Example of a "functional family" from Ann Arbor, MI: "... functional family means a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary."³

The restrictive family definition needs to be non-discriminatory and broad enough to include two unrelated partners and same-sex partners. Specific exceptions can be included in such an ordinance: e.g., in-home childcare; elderly care; sabbatical renters; exchange students, etc. Towns that have passed such an ordinance, and the year of passage include:

- ◆ Macomb, IL, 2001
- ◆ Ann Arbor, MI [Survived challenges at the State Supreme Court level, 2001]
- ◆ East Lansing, MI, 1997
- ◆ Burlington, VT, 2001
- ◆ Salisbury, MD, 2003
- ◆ Binghamton, NY, [Survived challenges at the State Supreme Court level, 2000]

¹ Craig Raborn: "Coping with Colleges: How Communities Address the Problems of Students Living Off-Campus." *Zoning News*, May 2002, p1-6. [Quote, p.1] Other quotes from this article, unless otherwise indicated.

² Research was conducted over the last several years and may not be 100% accurate.

³ Chapter 55, Zoning Code. Also at: <http://www.ci.ann-arbor.mi.us/Planning/codes/ch55-all.html>

Reduce the Number of Unrelateds [currently 4 in Urbana]. Provide a sunset provision which requires that any current rentals will have to conform to the new occupancy rate within a specified number of years. Examples of the number of permitted unrelateds in other communities and when current level enacted are:

- ♦ Carbondale, IL, 2, 1974
- ♦ Normal, IL, 2, long-standing
- ♦ Macomb, IL, 2, 2001
- ♦ Columbus, OH, 2, long-standing
- ♦ Madison, WI, 2, long-standing
- ♦ East Lansing, MI, 2, 1997
- ♦ Salisbury, MD, 2, 2003. Included a sunset provision of 3 years for existing rentals.
- ♦ Lawrence, KS, 3, 2003
- ♦ Provo, UT, 2, 2003
- ♦ Lincoln, NE, 2 [Survived challenges at the State Supreme Court level, 1997]
- ♦ Bloomington, IN, 3 [Survived challenges at the State Supreme Court level, 2003]
- ♦ Allentown, PA: Student overlay district, limiting the number of unrelateds permitted in this district compared to other parts of town. [Upheld in court challenges.]

Enforce Codes and Standards Ordinances to encourage compliance with existing codes include:

- ♦ Bethlehem, PA: Tenant & Landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; obligations of landlord for maintenance; obligations of decent conduct by tenants.
- ♦ Gainesville, FL: Requires rental occupancy permit to be maintained on premises.
- ♦ Iowa City, IA: Have info disclosure form on responsibilities and # occupants. Post legal # occupants for every rental property on the Web.
- ♦ West Lafayette, IN: Nuisance inspector who inspects key neighborhoods 3-4/x daily. Has resulted in a major change in appearance of area.

Issue Residential Parking Permits

- ♦ Manhattan, KS: issues two permits per property at nominal fee. Overnight parking in neighborhoods near campus prohibited without a permit.
- ♦ Newark, DE: No more than 2 residential parking permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.
- ♦ Columbus, OH: Limits number of 'stacked' cars in a driveway; also limits to area devoted to parking and maneuvering of vehicles in the University District Overlay to 35% of lot to prevent the "auto salvage yards" syndrome.
- ♦ Eugene, OR: One permit per address, with a limited number of additional permits for a 2-hour parking limit only.

- ♦ East Lansing, MI: 24/7 program in select neighborhoods, which limits number of permits [up to 3 or 4, depending on area] per address. No on-street parking 2am-5am. Grandfathered businesses exempted.
- ♦ Bloomington, IN: Limits number of permits issued to Greek houses in the neighborhood. Greek Houses do not receive visitor passes.

Inspect Rentals and License Landlords "Safe rental housing and a record of responsible parties for each property are additional benefits of such a program."

- ♦ Columbia, MO: Requires certificate of compliance, HVAC inspection, and city inspection. Registration and inspection fees required.
- ♦ Gainesville, FL: Yearly fee for rental properties. Website promotion of licensed properties. Landlord point system, in which revocation of license possible for non-compliance [passed 2003].
- ♦ Iowa City, IA: requires rental permit [fee assessed every 3 years per structure and per number of bedrooms] and one-time Certificate for Structure Compliance [one-time fee].
- ♦ West Lafayette, IN: Requires certification of all rental housing. Annual fee of \$300 per structure in 2002, and additional per-unit fee. Different fees depending on whether owner-occupied, # of relateds and/or unrelateds, and multi-housing/single-family unit, etc.
- ♦ East Lansing, MI: Annual inspections.
- ♦ Boulder, CO: Baseline and safety inspections required. Fines up to \$2000 if unlicensed. Exempted properties include: owner-occupied or sabbatical rentals.

Implement Rooming House Programs These programs may be permitted in certain zones or overlay districts and may be prohibited in single-family districts.

- ♦ Adopt ordinance making a Student Rental Home a use by special exception
 - ♦ West Chester, PA
 - ♦ Merriion Township, PA
- ♦ Limits on density of student houses:
 - ♦ West Chester, PA: bans new student housing within 400' of other such housing.
 - ♦ Newark, DE: student homes must be at least 10 lot-widths apart.

Target Disorderly Houses Minimizing nuisance and over-occupancy violations. Drafting ordinances to preserve the spirit of single-family zoning.

- ♦ East Lansing, MI: Landlord fined daily if over-occupied. Landlord must prove tried to evict. Can fine landlord or tenant. If there are too many noise violations, the landlord is notified and ultimately liable. \$1,000 fines and possible incarceration for serious repeat noise violations. Enforced twice and never needed subsequently, as of 2004.
- ♦ Columbus, OH: Owner liable for over-occupancy.
- ♦ West Lafayette, IN: Requires Occupancy Affidavit, which must be displayed on premises. Fines of \$1000-\$2500 imposed on landlord for over-occupancy. Owner and tenants must sign occupancy affidavit.

- ♦ Springfield, IL: Website of landlords with excessive violations.
http://www.springfield.il.us/CITY_GOV/ComServ/TopTen.htm
- ♦ Ames, IA: Aggressive enforcement of over-occupancy. Landlords and tenants found in violation of the occupancy limit for their area will be fined \$500 for the first violation and \$750 for additional violations.
- ♦ Carbondale, IL: Second offense for over-occupancy: fine owner and tenants. Burden is on the owner to inform tenants of legal occupancy rate. Burden of proof on residency is on the tenant.
- ♦ Bloomington, IN: Everyone on lease gets a ticket if there is a noise complaint, whether present or not at party.
- ♦ Boulder, CO: violation for over-occupancy and nuisance violations can be up to \$2,000 and 90 days in jail.
- ♦ Manhattan, KS: If tenants get more than 2 serious violations within a year, the city can shut down the rental house.
- ♦ Normal, IL; Boulder, CO; Ft. Collins, CO; Ames, IA; Tuscaloosa, AL; and Blacksburg, VA: ban of indoor [upholstered] furniture outside, "based on national fire safety standards and tragedies that have occurred with fires on porches or with waterlogged furniture causing collapse of the structure. Couches outdoors also attract vagrants who may find them a nice place to sleep and smoke."
- ♦ Eugene, OR: Requires bike storage – number depending on type of building and number of units.
- ♦ West Chester, PA: For drinking offenses, can impose the maximum state penalty – loss of driver's license.

Other Solutions

Encourage Owner-Occupancy and Responsible Management

- ♦ East Lansing, MI: Occupancy limits based on dwelling size and whether owner-occupied.
- ♦ West Lafayette, IN: rental registration program assigns different category of fees and fines for rental properties, depending on whether or not it is owner occupied. Properties with out-of-town owners must have a local manager if property owner lives outside of designated area [e.g., city or county limits].
- ♦ Carbondale, IL, Ann Arbor, MI, and Boulder, CO: Must have a local agent to manage property, even if owned by out-of-town parent.
- ♦ Ann Arbor, MI: UMich has Website listing of approved landlords.
- ♦ East Lansing, MI: Considering buying back rental licenses and converting rentals back to single-family, owner-occupied properties [as of 2004].

Limit Occupancy Based On Parking Availability

- ♦ East Lansing, MI. Under consideration.

Reverse Grandfathered Non-Conforming Uses

- ♦ Tallahassee, FL: Elimination of non-conforming status for properties that have had three or more violations of a rental housing ordinance during a six-month period.
- ♦ Bloomington, IN: Require all owners to register, and rescind non-conforming status if they do not register.
- ♦ Utah: Abandonment and Amortization of Nonconforming Uses: "The right to continue a nonconforming use may be lost if the use is abandoned for a period of time. State law does not define the period of time so it must be done by municipal ordinance. Most municipal zoning ordinances allow six months to one year of non- use, after which the property cannot be used except in conformity with the current zoning ordinance." Elsewhere, applies towards abatement of nuisances.
- ♦ Mason County, IL: "Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance."
- ♦ Elgin, IL: "Multi-Family Conversion Program" with funding to encourage conversion of grandfathered properties back to single-family.

Establish A Conservation District Or Overlay Zones to Discourage Demolition Of Historic Properties and insure new development is architecturally compatible with existing fabric of the neighborhood.

- ♦ Portland, OR, 1977
- ♦ Cambridge, MA, 1983
- ♦ Raleigh, NC, 1988
- ♦ Lake Forest, IL, 1990
- ♦ Arlington, VA, 1998
- ♦ Palos Verdes, CA, 1998
- ♦ Austin, TX, 1999
- ♦ Arlington, VA, 1999
- ♦ Boulder, CO, 2002
- ♦ Chapel Hill, NC

Develop Deed Restrictions and Covenants for specified neighborhoods

- ♦ Newark, DE: Limits on number of student homes permitted: "A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located."⁴

⁴ <http://www.udel.edu/townsgown/HousingRentalGuide.html>

A Guide for Owners and Occupants of Single-Family Type Rental Housing

(Detached, Semi-Detached, Townhouse)

Newark Planning Department
December, 2002

CONTENTS

ZONING REGULATIONS

Student Homes
Occupancy Limits

RENTAL PERMITS

LEASES

Posting Requirements
Maximum Occupancy
Two-Times Conviction/Eviction

BEING A GOOD NEIGHBOR

Noise
Disorderly Premises
Alcohol Regulations

PARKING

Residential Parking Permits
Parking Prohibitions
Inoperative or Unlicensed Vehicles

RENTAL HOME EXTERIOR

Refuse Collection
Litter, Weeds & Grass
Snow & Ice Removal
Prohibited Furniture

WHERE CAN I GET MORE INFORMATION?

ZONING REGULATIONS

Student Homes

Student Homes, defined as single-family detached dwellings, occupied by more than one post-secondary student attending or about to attend a college or university, are severely limited in Newark. Contact the Planning Department or Building Department for more information.

A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located.

For purposes of this calculation, nonowner-occupant single-family detached, semi-detached, and row homes with rental permits for the taking of boarders and roomers and existing on May 24, 1999 are considered student homes.

How Many Students Can Live in a Student Home?

A student home shall be occupied by no more than three persons. The owner and owner's agent, if any, shall be responsible for compliance with the occupancy limitations set forth in the City Code. All student homes require rental permits.

Occupancy Limits

Owners who live in their single-family type houses (detached, semi-detached or row and townhouses), not including student homes, may take in three (3) roomers or boarders.

Owners who do not live in their single-family type houses (detached, semi-detached or row and townhouses), not including student homes, who rent or lease their property may rent to (or allow to be occupied by) no more than the maximum number of unrelated individuals permitted in the relevant zoning districts as follows:

3 - RH, RT, RS 4 - RR
3 - RD 4 - RM

Please note that in certain instances properties in Newark are deed restricted to limit the number of renters to less than the number permitted in relevant zoning districts. You should check your deed.

RENTAL PERMITS

Every nonoccupant owner renting to roomers, and every owner-occupant taking in more than two roomers, is required to make application for, and receive, an annual permit from the Building Department to rent a single-family type dwelling. These include detached, semi-detached, and row homes. Applications are made in writing and on a form provided by the City. An annual inspection is required for these rental units.

As part of the application for a Rental Permit, and landlord or owner is required to stipulate in writing that the lease for the dwelling unit contains a Posting notification to tenants, as outlined below.

LEASES

Written leases are required for rental of residential properties leased or rented for more than 30 days. Leases must be provided to the Building Department upon request, and must include the following information regarding Posting Notification, Maximum Occupancy, and Two Times Conviction/Eviction.

Posting Notification

1. Address of rental property
2. Maximum number of unrelated persons who may lawfully inhabit the dwelling
3. Number and location of on-site, off-street parking spaces available for the rental dwelling
4. Statement of penalties for failure to comply
5. Name and telephone number of the property owner or owner's agent.
6. Telephone number of the City of Newark Building Department

The Posting must be prominently displayed in the dwelling unit, and be readily visible to all tenants residing on the property. Violations or misrepresentations are subject to permit revocation.

Maximum Occupancy of Unrelated Persons

1. The number and names of unrelated persons who may occupy the premises
2. Violation of the allowable number of occupants shall result in termination of the rental lease as it applies to ALL renters of the premises, and ALL renters have no more than 7 days to vacate the dwelling.

Two Times Conviction/Eviction

1. Conviction of any renter who violates Alcoholic Beverage, Noise, or Disorderly Premises Regulations more than one time within a one-year period shall result in termination of the lease as it applies to ALL renters, and ALL renters have no more than 7 days to vacate the dwelling from the date of the second conviction.

If it is necessary to evict a tenant, the landlord should initiate and follow proceedings for possession as specified in 25 Delaware Code, Part III, Landlord-Tenant Code.

The City will notify the landlord, owner, or owner's agent if a renter is convicted of violating Chapter 20A Noise and/or Section 22.74.1 Disorderly Premises of the City Code.

BEING A GOOD NEIGHBOR**Noise**

In a rental home, the conviction of one or more tenants for violating the City noise regulations more than one time during a one-year period will result in the eviction of all tenants.

The City has strict noise regulations, essentially prohibiting noise that exceeds certain specific noise levels or that disturbs neighbors. We expect everyone in Newark to respect the peace and tranquility of the community.

Disorderly Premises

It is unlawful for any person to allow or permit in any house or any premises in the City profane, obscene or vulgar language or conduct, and fighting, quarreling, or loud or unusual noises that disturb the quiet and good order of the City. Property owners can be fined for violations of the City's disorderly premises regulations.

Alcohol Regulations

It is unlawful for those under 21 years of age to consume or possess alcoholic beverages. Individuals convicted of violating these regulations can be fined and have their Delaware driver's license revoked.

Consumption of alcoholic beverages and carrying opened containers are not permitted on any public street or sidewalk in the City.

PARKING**Residential Parking Permits**

Any resident living within a special Residential Parking District who wishes to apply for a parking permit must file an application with the Newark Police Department in the Municipal Building on Elkton Road. No more than 2 permits will be issued per address for any nonowner occupant single-family type dwelling requiring a rental permit.

In Special Residential Parking Districts, residents with permits for their vehicles may request and receive from the Newark Police Department additional guest parking permits to park the vehicles of their guests.

Please contact the Newark Police Department for more details.

Parking Prohibited

Vehicles may park in approved driveways of single-family dwellings.

In addition to posted locations, stopping standing and parking is prohibited in the following areas:

1. On a sidewalk
2. In the front yard (an area extending the full width of the lot between the front street line and the single-family residential dwelling)
3. In front of a public or private driveway.

Vehicles are not permitted to be parked on any street for the purpose of:

1. Displaying the vehicle for sale
2. Greasing or repairing a vehicle (except for emergency repairs)
3. More than 36 hours without being moved

Inoperative or Unlicensed Vehicles

No inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises or city street.

RENTAL HOME EXTERIOR

Refuse Collection

Owners of rental dwellings must supply standard 20 or 32-gallon refuse cans (maximum size), conspicuously labeled with the address of the rental unit. Each refuse can must have a tight-fitting detachable lid and suitable handles.

Refuse placed for collection must:

1. Weight less than 40 pounds (including the container)
2. Be placed near the curb by 7:00 a.m. of the day of collection but no sooner than 6:00 p.m. the previous day.
3. Empty cans should be removed from the curb within 10 hours.

Detailed instructions regarding refuse collection, leaf pickup, large items, tree and plant limbs, etc. can be obtained from the Public Works Department at the Municipal Building.

Litter, Weeds & Grass

All properties within the City must be kept free of litter. Accumulated litter must not be swept into the gutter, street or sidewalk. Instead, it must be placed in receptacles.

Owners are responsible for cutting and removing any weeds, growth, litter, or the like from their lots, as well as from the area between the sidewalk and the curb or paved portion of any street abutting the curb. A notice will be sent to owners if weeds and grass exceed 10 inches in height.

Snow & Ice Removal

The owner, tenant, or occupant of a rental home must remove snow or ice from the sidewalk abutting his property within 24 hours from the time the snow ceases to fall or ice to form, in order to provide a clear pathway at least 3 feet wide in residential districts. Snow or ice must not be placed in the gutter or street.

Prohibited Furniture

Interior type furniture, such as upholstered couches and chairs or other fabric-covered articles, are not intended for outdoor use, and must not be placed outside the house.

WHERE CAN I GET MORE INFORMATION?

If you have additional questions concerning Zoning, contact the Newark Planning Department at 366-7030.

For Rental Property questions, contact the Newark Building Department at 366-7075.

For Refuse Collection questions, contact the Newark Public Works Department at 366-7040.

For Parking Permits, contact the Newark Police Department at 366-7101.

Or you may stop in at the Municipal Building on Elkton Road anytime between 8:30 a.m. and 5:00 p.m. Monday through Friday.

Please note that this publication summarizes Newark's regulations for the owners of single-family type rental housing. It does not replace or substitute for specific *Code* requirements regarding rental permits, leases, noise, disorderly premises, alcohol regulations, parking permits, parking prohibitions, or property maintenance.

You may wish to consult the *Municipal Code* for further details.

[previous page](#)

[home](#)

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
Memorandum

TO: David Stevens, Councilmember
 5th District

FROM: Paul Schoninger
 Staff to Council

DATE: October 3, 2007

SUBJECT: Student Housing Information

This memo is in response to your request for information relating to the issue of student housing. You are interested in information from other communities regarding at least three (3) aspects of student housing; limiting the number of house mates per dwelling unit, spacing of student houses and rental permit programs.

Lexington is not unique. College towns across the county have similar pressures on campus neighborhoods such as overcrowding, derelict properties, litter, inadequate parking, increased traffic and excessive noise associated with students living off campus.

Limits on Numbers

There are numerous examples of local governments both limiting the number of students in off campus housing and the regulation of rental housing through a registration/permit program.

Several college communities have adopted restrictive but defensively family definitions. These include Macomb, IL (2001); Ann Arbor, MI (survived State Supreme Court 2001); East Lansing, MI (1997); Burlington, VT (2001); Salisbury, MD (2003); Binghamton, NY (survived State Supreme Court 2000)

Other college towns have limited the number of unrelated adults that can share a dwelling unit in some or all residential zones. These include Urbana, IL (4); Carbondale, IL (2) adopted in 1974; Normal, IL (2); Macomb, IL (2) adopted in 2001; Madison, WI (2); Salisbury, MD (2); Lawrence, KS (3); Provo, UT (2); Lincoln, NE (2) survived a State Supreme Court review in 1997; Bloomington, IN (3), survived a State Supreme Court case in 2003; and Allentown, Pa which established a university overlay district limiting the number of unrelated permitted in that district was upheld in at least two court challenges.

However one could argue that most attempts to use regulatory means to prevent off campus housing are destined to fail, I believe, unless the university is also willing to provide more housing.

David Stevens, 5th District Councilmember
 October 3, 2007
 Student Housing Information
 Page Two

Limits on Spacing

Conversely, there are only a few examples of communities that limited the density of student housing. In addition to State College, PA requiring that student houses be at least 180' apart, West Chester, PA requires new student houses be at least 400' from other such houses, and Newark, DE requires that student houses must be at least 10 lot widths apart.

Rental Unit Licensing

Numerous local governments have implemented rental unit licensing programs. In several of the communities, specific issues such as college housing, absentee landlords and over crowding are the prime motivating factors in the establishment of rental unit licensing. For example, overcrowding of students and absentee landlords combined to create negative impacts in residential areas of Lawrence, Kansas. The city responded by implementing a rental licensing program to mitigate the impacts of rental properties dominated by college students.

Below I have highlights components from other rental licensing programs primarily in college communities.

In Columbia, Missouri the program requires a certificate of compliance, HVAC inspection, as well as annual registration and inspection fees.

Gainesville, Florida has a yearly fee for rental properties. There is website promotion of licensed properties.

Iowa City, Iowa requires rental permit fee assessed every 3 years. An annual re-inspection is possible for non compliance or sufficient number of complaints.

West Lafayette, Indiana requires certification for all rental housing. There is an annual fee but the scale is different fee depending on owner occupied, # of related and unrelated and other factors.

Boulder, Colorado requires an annual safety inspection for all rental properties. Fines up to \$ 2000 can be imposed if property is unlicensed.

Gainesville, Florida requires that the occupancy permit to be maintained on premises.

Iowa City, Iowa mandates that the lease includes disclosure form on responsibilities and consequences for tenants & landlords.

David Stevens, 5th District Councilmember
 October 3, 2007
 Student Housing Information
 Page Three

Examples of Enforcement

Bethlehem, Pennsylvania requires that the tenant & landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; an obligation of landlord for maintenance; and obligations of tenants for conduct.

In West Lafayette, Indiana nuisance officers inspect key neighborhoods on a regular basis generally three times per year.

Several communities operate enforcement sweeps several times a year, including Cedar Rapids, Iowa and Lawrence, Kansas. These can be very labor intensive but generate positive results.

As you can understand there will substantial opposition to licensing from the landlords and student populations. They generally oppose fees and the potential to revoke licenses, mandate repairs, and fear loss of control of their business.

As mentioned earlier various communities have been threatened by landlord groups for violation of their 4th amendment rights prohibiting illegal search and seizure. However it is my understanding that the courts have never rejected the local governments' ability to regulate and license rental properties on those grounds.

Targeting Disorderly Houses

There are numerous examples of communities that have targeted areas or specific dwelling units due to noise and other code violations. Part of the activities from the Game Day meetings here in Lexington have resulted in similar targeting of areas and properties. The enforcement of the Party Plan is another example of targeting specific properties.

Below are examples of other targeted efforts in several college towns.

Landlords in East Lansing Michigan can be fined if they knowingly rent property that is over occupied. In addition the landlord is obligated to evict or attempt to evict tenants in over occupied situations. In addition both landlords and tenants can be fined for excessive noise violations.

West Lafayette, Indiana requires the occupancy affidavit to be displayed on premises and fines can be levied for over occupancy. Owner & tenants must sign affidavit.

In Syracuse, New York the nuisance officers working with neighborhood groups target numerous student houses throughout the school year both on enforcement compliance but education. Penalties can include community service for students involving neighborhood clean up projects.

David Stevens, 5th District Councilmember
 October 3, 2007
 Student Housing Information
 Page Four

Other Solutions

In addition to the strategies cited above a few communities have attempted to implement overlay zones in an attempt to reduce pressure. This has seemed to work best in low density residential areas surrounding a campus. Allentown, PA, Bowling Green, KY and Lawrence, KS have had some limited success with University overlays which places additional restrictions on residential areas near campus. South Bend, Indiana is also examining the overlay concept.

Several communities are encouraging residential to development deed covenants and restrictions that may ease campus pressure in neighboring residential areas. However as you are aware in Kentucky the deed restrictions are considered a private matter and cannot be enforced by local governments.

In Merion Township, Pennsylvania a Student Rental Home in single family zones is by special exception permit only greatly reducing the number of student houses in the single family zones.

Concerns

An unintended consequence of limiting student housings occupancy and density is that as supply has been limited rents will rise and the student population will disperse throughout the community unless the University develops more on campus housing.

In addition any attempt to limit housing choice or limit the number of adults in a dwelling unit may be subject to court challenges. In 1974 the US Supreme Court in *Village of Belle Terre v. Boraas* upheld the village's definition of a family.

A handful of state courts however have rejected the Belle Terre rule under their state constitutions, finding the definition violates substantive due process or is beyond the grant of power under their enabling statutes.

In *Stegeman v City of Ann Arbor* the Court of Appeals of Michigan upheld the City's ability to limit households in R4 districts to no more than 6 people.

In addition, various communities have been threatened by landlord groups protesting rental registration programs for violation of their 4th amendment rights prohibiting illegal search and seizure.

Enforcement of spacing and particularly caps on number of housemates per dwelling unit can also be very problematic. As the issue of definition of family was examined for Councilmember

David Stevens, 5th District Councilmember
 October 3, 2007
 Student Housing Information
 Page Five

DeCamp several years ago that information is provided to you particularly as it discusses the issue of enforcement.

Opportunities

In May 2002 Zoning News published an article "*Coping with Colleges: How Communities Address the Problem of Students Living Off Campus*". The author identifies several strategies to reverse the encroachment of student rental housing into nearby neighborhoods. These include

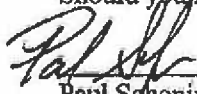
- Adopt a restrictive family definition, non discriminatory and broad enough to include at least 2 unrelated partners and same sex partnerships;
- Reduce the number of unrelated persons permitted in single family zones;
- Strictly enforce existing codes and housing standards;
- Reverse grand fathered non conforming uses;
- Establish a conservation or other overlay zones to discourage demolitions;

Most importantly the article highlights the need for consistent dialogue and engagement between the community, university, students and landlords. The article states "college towns should not shy away from addressing campus problems in comprehensive plans and other documents. Such preemptive attention will allow these communities to approach the impact of students living off campus with appropriate and effective planning solutions rather than short term or knee jerk reactions. University growth is a fact of life and gown towns will encounter less trauma and more success if they develop strategies before the pressure is felt."

The Urban County should be forceful in its efforts to engage the University of Kentucky, Transylvania University, its student population and other including landlords. Plans for growth of the student body should be factored into local government transportation, infrastructure and development plans. The need for closer coupling of the plans for the City and UK in particular and is essential.

KRS 100.324 (4) can be used for example as an avenue for the Planning Commission to review public facilities plans like the UK Master Plan. This process would determine if the UK Plan is in compliance wit the Comprehensive Plan and most importantly what impact the Master Plan would have over local governmental infrastructure and services.

Should you need any further information please do not hesitate to contact me at 258-3208.


 Paul Schoninger
 Staff to Council

A10

TUESDAY, SEPTEMBER 25, 2007

EDITORIALS

Paying attention

City must watch over, assist areas near UK

It's good to see Mayor Jim Newberry give some face time to those who live near the University of Kentucky.

The drunken, couch-burning, football-weekend mayhem that drew code enforcement to the residential blocks around Elizabeth Street is a symptom of a larger ill.

This once-attractive neighborhood of families, students and retirees across Nicholasville Road from the UK Medical Center, became a slum almost overnight.

After landlords packed student renters into hastily constructed barn-like additions to old homes, the hallmarks of slum living quickly followed, including trash, drunkenness and vandalism.

The Kentucky Kernel reports that Lexington's director of code enforcement, David Jarvis, told a recent neighborhood meeting headlined by Newberry that the area has "just too many people living too close together" without enough parking or trash pickup.

This ruin of a perfectly good neighborhood happened in full view of previous city administrations and bureaucrats who are still in the hall.

How to restore some balance to that neighborhood and protect others from similar fates are questions worthy of the mayor's attention.

So we were heartened to see that Newberry had scheduled his meeting with neighbors well before the celebrations surrounding UK's win over cross-state rival Louisville got out of hand.

Also, already in the works were

efforts by the Town-Gown Commission, co-chaired by Vice Mayor Jim Gray, to sharpen the focus on how to maintain desirable living and business areas around UK, with an emphasis on safety.

While Newberry's Game-Day Work Group focuses on easing the strains caused by big crowds at Commonwealth Stadium, the city and UK President Lee Todd should keep looking for ways not just to

stop bad things from happening but also to make good things spring up in the older parts of Lexington around campus.

UK, which outsourced its alcohol liabilities to the rest of Lexington when it

ended student drinking on campus, has plans to grow by 7,000 students. So the solutions won't get any easier or less urgent.

But new developments bounding campus, such as CenterCourt and others in South Hill, show that it's possible to capitalize on the attractions of campus and city in a lively, attractive and presumably profitable way.

As Lexington tries to grow without gobbling up more farmland, the city can't afford to waste any neighborhood, or even any parcel within its already developed boundaries.

The area around UK will be an important test of whether Lexington can muster the creative resources to develop and grow without trashing either farmland or the older neighborhoods that give this place its character.

How to restore some balance to that neighborhood and protect others from similar fates are questions worthy of the mayor's attention.

March 6, 2000

Monday

ALU

2000

Editorial Page Editor:

Vanessa Gailman, (606) 231-1393

Commentary Editor:

Rita S. Gattion, (606) 231-3225

heditorial@aluherald-leader.com

Opinions

Editorial board

The Lexington Herald-Leader is a Knight Ridder newspaper, published by the Lexington Herald-Leader Co., 100 Midland Avenue, Lexington, Ky. 40508. Editorials reflect the opinion of the editorial board. Members are Timothy M. Kelly; Pam Lucke; Vanessa Gailman, editorial writers Larry Dale Keeling, Jamie Lucke, Audrey Lee, Rita S. Gattion, and cartoonist Joel Pett.

City not protecting neighborhoods near UK

By Jeremy Crenshaw

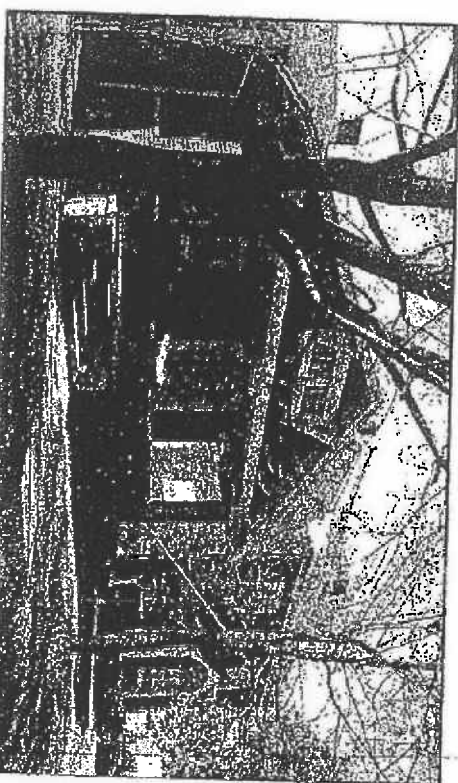
As a resident and homeowner in the Elizabeth Street neighborhood, I am very discouraged by the Urban County Council's approval of a zone change request made by the owner of several historic homes surrounding the Walter House at Nicholasville Road and Waller Avenue.

At Issue

Jan. 12 Herald-Leader article by Jefferson George, "Disputed zone change again OK'd by council"

As a result of the council's approval, these homes, some of which are quite nice architectural representations of the early 20th century, will be demolished and replaced by an apartment house containing some 48 bedrooms. The council voted to allow this demolition even though it is not in congruence with the comprehensive plan, whose goals include maintaining and preserving neighborhood communities. The council voted to allow the destruction despite the fact that the planning commission rejected the proposal. In doing so, the council disregarded recent talks with University of Kentucky officials declaring that it should be a top priority to preserve the neighborhoods near and around campus.

Over the years, the owner of the properties acquired the land parcel by parcel with full knowledge that they were zoned R-2 (duplexes). The owner



DAVID STEPHENSON/STAFF

Houses on Nicholasville Road are among those that will be razed.

then simply requested a zone upgrade to R-3 (planned neighborhood residential), which would allow for the development. By granting this zone change, the council has set a dangerous precedent allowing landowners to determine for themselves what the land's usage will be even if it differs from what has previously been deemed appropriate.

The neighborhoods surrounding UK, once thriving parts of this city, have in recent years been hit hard because of absentee landlords and property rental. Many of the homes are in decline, the traffic is unbelievable, the

been inundated with apartments, primarily used as student housing. This has been in the form of demolition and new constructions as well as the altering of existing structures originally intended as single-family housing. The issue of student housing is admittedly a difficult one. The students are not the destroyers of neighborhoods. However, it is painfully clear that more needs to be done to oversee and maintain the integrity of these areas, which possess a place of prominence in Lexington's history. They should not be further compromised by the lack of planning and inattentiveness on the part of city officials.

The curbs cannot continue to just fall as they may any longer. Real initiative and inventiveness on the part of Lexington officials, as well as by the people of this community, is going to have to be engaged to make a difference in these areas. Recklessly approving developments such as this and ignoring the comprehensive plan and recommendations of the planning commission do not seem to embody the attitude and spirit needed before any real progress can be made to save these neighborhoods.

Jeremy Crenshaw of Lexington is a graphic designer and past president of the Elizabeth Street Neighborhood Association.

CROSBIE, STEVENS, FARMER, FOGLE, MITCHELL, MALONEY, JEFFERSON

Friday

A16

November 16, 2001

Editorial Page Editor:
Vanessa Gallman, (859) 231-1393
Commentary Editor:
Rita S. Gatton, (859) 231-3235
heditorial@herald-leader.com

Opinion

Editorials

Taming wild parties

Proposed ordinance a good effort to protect neighbors

Lexington's proposed "party plan ordinance" won't outright ban parties at certain addresses. Nor will it entirely eliminate the unruly, ear-splitting bash.

But it will give the city an added means of going after people who chronically flout laws against public drunkenness, underage drinking, blaring noise and trespassing or who let their guests get out of control.

These are the repeat offenders who can make life miserable for anyone, whether tenant or homeowner, who lives nearby.

Ask them to be good neighbors and they're likely to scoff. Invite them to a meeting to discuss the problem and they won't show up. Present them with the record of complaints or citations, and they'll say they're being picked on.

In other words, they just don't get it.

The proposed party ordinance won't turn them into model citizens, but it could clamp down on the so-called "party houses" where many of the problems start.

The college students and landlords who went to city hall this week to complain about the propos-

al offered little in the way of alternatives.

One suggestion — a public relations campaign on how to be neighborly — would be about as effective with the hard-core party instigator as exposing a drug addict to the DARE program.

Opponents also contend that the proposed ordinance won't stop the problem.

But society has laws against all sorts of crimes — writing bad checks, drunken driving, wife beating — and people still commit them. Yet no one argues that those laws shouldn't be on the books.

This ordinance is an improved version over the one proposed last spring. It is no longer just confined to the campus area. Additional fines would be levied against residents if police make arrests or issue citations at a particular location twice within a year.

How consistently this, or any ordinance, is enforced can make all the difference in its effectiveness. It's worth a try, and if the ordinance proves unworkable, then tinker with it or scrap it.

NOV 16
2001

Readers' views

UK must change way it treats neighborhoods

Kudos to the Urban County Council on its decision to end, albeit temporarily, the building of the large vinyl boxes popping up all around the University of Kentucky. The blame for these eyesores lies not just with the greedy landlords who created them, but also with the university that gives them the opportunity to exist in the first place.

If UK cared about surrounding neighborhoods, why would it:

- Create a housing policy that flooded the area with thousands of partying students?

- Build a multimillion-dollar library atop a sinkhole that is part of the natural drainage system for the area?

- Fill in, dig out, re-do and re-re-do a functioning detention basin at Commonwealth Stadium?

- Realign Rose Street, making it a straight shot down Transcript Avenue for shortcut-seeking commuters, adding traffic woes to narrow streets?

- Pave a stadium parking area, possibly nullifying an expensive and time-consuming city stormwater study of a flood prone neighborhood without consulting city engineers?

- Tear down houses along the Virginia Avenue corridor to make room for future growth?

UK should not buy any more property south of Transcript Avenue for 100 years. UK police should help enforce laws barring parking in front and side yards. UK should help improve the Waller Avenue corridor, as well and provide more and better on-campus housing.

UK must come out from behind the stone walls, be a part of the communities it affects and realize the ripples of the stones it casts. It may be "America's Next Great University," but it sure is a cruddy neighbor.

Joey Maggard,
Lexington

2001
FLOODING
CONCERNS
DUE TO
PAVING STADIUM
PARKING LOTS

*

Editorials

Vinyl box monsters

City right to stop spread of inappropriate additions

The vinyl monsters that have been stomping on neighborhoods and gobbling up backyards near the University of Kentucky will have to retreat to their lairs, for a while anyway.

Lexington finally shook its club and scared them off, but not before they left their grotesque footprints on State Street, University Avenue and elsewhere. These Godzillas of the rental-housing business ripped through residential blocks, menaced homeowners and ate up whole lots at a time.

In their wake, they left abominations called "additions" that are as foreign to their surroundings as a junk Chevy is to a military cemetery.

These bulked-up, two-story vinyl-clad boxes are tacked on to the backs of attractive, brick bungalows that define the character of older neighborhoods.

The landlords turn the back yards into ad hoc parking lots by spreading some gravel and pretty soon are raking in \$300 a month each from 10 students or more.

Of course, who's really paying the price are the caring residents and homeowners who have seen their diverse neighborhood deteriorate into something closer to a suburban ghetto, only with new appliances, aluminum windows and higher rents.

What's even sadder is that these oversize perversions are apparently legal, although some residents assert that the proliferation of them is the result of loosely interpreted and weakly enforced building and zoning regulations.

This week the city council put a hold on steroid-enhanced additions and on most demolitions for as long as a year, until the city can complete and adopt new rules for infill and redevelopment that will ad-

dress appearance and size.

For some neighborhoods, the city's countermove is more than a year too late. Dave Cooper, an Elizabeth Street resident, has counted 30 vinyl boxes in a six-block



FILE PHOTO

Dave Cooper found 30 vinyl boxes, including this one on State Street, in a six-block area.

area.

The mega-addition pressure is most intense near UK, where landlords can double their profits and many transient students doesn't think twice about their surroundings. Unfortunately, UK is largely oblivious to the problem as well.

The moratorium should at least spare other at-risk areas from the creeping invasion of these building beasts.

If the city wants to nurture the rebirth of older neighborhoods and encourage greater density to avoid building farther out into pastures, then it must mitigate the conflicts between old and new.

MARCH 24
2001

Opinion

A12

Salisbury

March 24, 2001

Editorial Page Editor:

Vanessa Callman, (859) 231-1393

Commentary Editor:

Rita S. Gaston, (859) 231-8235

heditorial@herald-leader.com

AROUND KENTUCKY

LEXINGTON 11-28-06

K student in hospital after shooting

University of Kentucky student was taken to a UK hospital after a shooting yesterday morning. Lexington police responded to 216 University Avenue about 3:25 a.m. and found Morgan Nelson, 23, with two gunshot wounds, one in the back and one under his arm. The shooting occurred in the back of Nelson's home at 214 University Avenue, but he went to a neighbor's house to get help, police said. Nelson is from Louisville. His condition was not available at the hospital, but police said he went into surgery yesterday morning. Witnesses said they heard as many as three gunshots in the neighborhood at the time of the shooting, police said. The investigation is continuing. Police did not make any arrests in the case last

SATURDAY
★ OCTOBER 21, 2006 B3

AROUND KENTUCKY

LEXINGTON 10-21-06

Police seek man in sexual assault of student, 20

Lexington police are searching for a man who entered a house in Lexington yesterday morning and sexually assaulted a 20-year-old woman. The man entered the house on University Drive just after 6 a.m. He went into a bedroom where the woman was sleeping and raped her, Lexington police Sgt. Pete Ford said. It is not clear how the man got into the house because there were no signs of forced entry. The woman is a student, but not at the University of Kentucky, Ford said. The Herald-Leader typically does not identify victims of sexual assault. Other roommates were home at the time, Ford said, but they didn't hear or see anything. The woman described her attacker as a black man in his 20s who weighs about 140 pounds and is about 5-foot-5. The man has a dark complexion and was last seen wearing a red T-shirt under a dark hoodie and sweatpants. Anyone with information is asked to contact Lexington police at (859) 258-3700 or Bluegrass Crime Stoppers at (859) 253-2020.

11-29-06 Sexual assault reported near UK

Similar to rape nearby on Oct. 20

By Jillian Ogawa and Shawntaye Hopkins
HERALD-LEADER STAFF WRITERS

University of Kentucky police issued a safety alert yesterday after a woman living near UK reported a sexual assault similar to an attack reported last month.

The advisory urges women to keep their doors locked and cell phones nearby — basics that are sometimes forgotten.

"My roommates all make fun of me because I'm the one that's always nervous about things," said Maggie Pennell, a UK junior.

In both recent reported assaults, a woman was attacked while her roommates were at home.

Yesterday, Lexington police responded about 2:30 a.m. to the 200 block of Conn Terrace, Sgt. Pete Ford said. The 23-year-old reported she was sexually assaulted by an unknown male. The suspect implied he was armed with a gun, Ford said.

The suspect left the residence and took a computer and other items. The victim did not provide a description.

Ford said the incident may be connected to the Oct. 20 rape on the 200 block of University Avenue, which is near Conn Terrace.

In the University Avenue incident, an unknown man unlawfully entered the residence and assaulted a 20-year-old woman, Ford said. The

See ASSAULT, B4

David Stevens

From: David Stevens
Sent: Thursday, November 08, 2007 3:14 PM
To: 'Cheryl Feigel'
Subject: RE: Student Housing Regulations

I placed a sample ordinance in the Planning Committee of the Council for discussion. This would require that home rented to college students have a permit. If the location becomes a problem with repeated citations for litter, noise, alcohol infractions, or other code violations the permit could be revoked after due process. Also students homes would not be adjacent but separated by owner occupied houses. This worked in the borough of State College next to Penn State. If the student population does not exceed 50%, most college towns have found that peace and harmony is maintained and the neighborhoods are preserved. I have not seen the piece that UAHA has circulated. At the planning meeting scheduled for 20 Nov at 1PM other options will be discussed. You and anyone else would be more than welcome. The ordinance in effect in PA may not be appropriate for Lexington in many respects. I will send you a copy of the Pennsylvania ordinance and if you send me a copy of the piece from the UAHA I would be grateful

-----Original Message-----

From: Cheryl Feigel [mailto:cheryl.feigel@verizon.net]
Sent: Thursday, November 08, 2007 11:42 AM
To: David Stevens
Subject: Student Housing Regulations

Dear Dr. Stevens:

I recently received a flier informing me of a proposal regarding restrictions on student housing. I am the landlord of one duplex in the Columbia Avenue area and am quite disturbed by the information that I received from UAHA. I would sincerely appreciate an electronic version of your proposal so that I may have accurate information to act upon.

My husband and I also live in your council district. In addition, we have met you and your wife on several occasions at Republican functions. I have a great deal of respect for you and I believe I understand the concerns you are attempting to address. We share those concerns but I don't believe that all landlords should be penalized by cumbersome regulations and requirements to address the sins of a few. We are very attentive landlords and care for our property as we would our own home. We place high expectations on our tenants and they understand that. In fact, we write our expectations into the lease agreement to ensure that we have recourse in the event a student is ever a problem. We have even driven by our property on ballgame nights to be sure there is no rowdy behavior taking place on our property.

Phil and I purchased this property when our own children were students at UK and we resided in Texas. We improved the property to our standards and we try to maintain the property at that level. I believe that landlords who want to control rowdy behavior have the tools to do so. Those landlords who choose not to are the ones that should be targeted. Perhaps a few citations on those landlords with rowdy tenants would get the message across, just as citations are issued for parking on the grass, leaving out the harbie, etc.

I will look forward to your response.

Sincerely,
 Cheryl Feigel
 301 Colony Blvd.
 Lexington, KY 40502
 859-509-2906

UNIVERSITY AREA HOUSING ASSOCIATION (UAHA)

228 Lexington Ave., Suite 102
Lexington, KY 40508-2694

DATE: November 12, 2007

TO: Ms. Linda Gorton, Chairperson
LFUCG Planning Committee

FROM: David Burton, Craig Hardin, Andy McIntire, Robert Hodges, Rick Bryant,
Anthony Humphress
UAHA Executive Committee

The University Area Housing Association (UAHA) is an advocate for good housing policy for the university area. We hope to help in crafting positive solutions that target concerns within the area. The UAHA includes UK students in its makeup, and represents many, if not a majority, of the property owners in the area.

We believe it is important to accurately define the issues at hand. There are, broadly, two separate categories of concern. The first relates to *Behavior*, including noise, alcohol, trash, parking issues and the lack of property upkeep. Secondly, the category of *Planning and Development* which includes the expansion of the campus area leaving owner-occupied residents feeling threatened that their traditionally non-student resident neighborhoods may be changing.

We hope to find common ground on solutions that benefit everyone including owner-occupied residents, renters, and property owners. Our focus is on creative long-term community based solutions that include all stakeholders, rather than one-sided fixes that eventually result in greater long term problems and costs for the city as a whole.

OUR CONCERNS:

Applicability. We question whether looking at regulations from State College, PA is a good starting point for our community. This model is possibly the most restrictive ever written in the United States. Several major differences exist between Lexington and the Borough of State College. The most notable is that the Borough is located in *rural* Pennsylvania. It has a current total population of 38,420, which includes 26,800 students. The Borough instituted most of its provisions in the 1970's, *before* many areas were developed and *before* the major expansion of the college.

UNIVERSITY AREA HOUSING ASSOCIATION (UAHA)

All provisions of the proposed PA State plan (individually or together) *would effectively down- zone*, dramatically reducing density around the UK campus and in areas adjacent to downtown. *Down- zoning is directly contrary to the current goals of the Downtown Development Authority and the current thinking of the Town & Gown Commission.* It is widely believed that Lexington needs to build up, not out, and that downtown needs *more* people, including students, living within walking distance of Main Street.

Where will students go? Any proposal for our community must include this answer. Many proposals at hand *will spread students further out* into the community, increasing traffic and pollution, creating more parking demands, and put increased development pressure on nearby neighborhoods that currently have few, if any, student residents. The current proposal would severely decrease available units for rent while *not addressing demand*. Walking distance rentals available to students would become especially expensive. Students and parents are very concerned with *increased housing cost*. With tuition increases every year, choices in private sector housing have helped keep college affordable.

All students are being stereotyped as trouble-makers and being told where they can and cannot live based upon their student status. As often is the case, a minority of bad apples make an entire group look bad, including those students being respectful & making major sacrifices to get through school, and those seeking graduate degrees. Previous legislation that targets property owners rather than the actual problem students has had the ultimate effect of allowing the real trouble-makers to avoid detection and responsibility.

A few somewhat isolated incidents are being magnified into a reason to condemn student renters. Football celebrations, in particular, involving tens of thousands of out of town UK guests are being used to disparage students in areas nearby, and this is then used to justify harsh measures against property owners. All this is in spite of the fact that, through extra effort on everyone's part (police, property owners, and students) *positive steps have already been made* to resolve many of these issues.

OUR RECOMENDATIONS:

Allow and encourage Property Owners and Students to participate in the decision making process. Good public policy includes all the stakeholders in the community in problem solving. To date, property owners who lease out their homes and students living in the neighborhoods around campus *have been actively excluded* from neighborhood associations, and other elements of the decision making process. By including them as active and real participants in the community, conflict can be avoided, people can come together to better understand issues and each other, and find creative solutions to common problems.

UNIVERSITY AREA HOUSING ASSOCIATION (UAHA)

The *Town and Gown Commission* is currently being restructured into a more farsighted organization that will effectively include *all* stakeholders in developing public policy solutions that work. The UAHA would like to further pledge its commitment to the efforts of the Town and Gown Commission and *recommends that the Urban County Council express support for, and confidence in, the Town and Gown Commission.*

Property owners, residents, UK, Student Government, and the city can do a much better job of *communicating among themselves*. History tells us that most people will react in a positive manner to help solve issues if and when they are informed of a problem in a timely manner and their help is requested informally. Too often adversarial and exclusionary positions have been taken toward property owners and students in our community, when inclusion, education, and cooperation would have produced better results. When it becomes a matter of terse letters, lawyers and litigation, cooperation is unlikely.

By *working together*, property owners, UK and the LFUCG can do more to *educate student renters* on good neighbor policies beginning with their initial registration in school, any lease signings and throughout their entire stay in our city. Specifically, students are frequently ignorant of many city ordinances and the penalty for violations. The *Student Source Book* sponsored by the Town and Gown Commission is a good example of a step in the right direction. We have included copies with this letter for you to review.

The focus should be on *personal responsibility for an individual's actions*. Efforts that take aim at anyone other than the actual law breakers, or that discriminate based on status rather than conduct, simply encourage irresponsibility. This is a poor way to integrate young people into the world of adult responsibility and citizenship in our society. Property owners cannot be expected to exercise parental control over the behavior of adult citizens, but they can be expected to maintain their property.

Encourage increased efforts by the city to *enforce existing laws*. These efforts are already working in regard to problems with game day celebrations. Penalties should be stiffened to get the attention of repeat offenders and to make them personally responsible for their conduct.

Help property owners pass these penalties on to the actual offenders without being penalized themselves or penalizing future residents, as is sometimes the case. We need to find more effective ways to encourage the occupants of property to maintain the property in a clean, safe, sightly, and sanitary manner.

UNIVERSITY AREA HOUSING ASSOCIATION (UAHA)

The city should *consider up-zoning property adjacent to the university to relieve pressure on surrounding neighborhoods*. As the university has expanded geographically and numerically, high density land traditionally used for private sector housing has been purchased by UK for non-residential use. To make matters worse, in recent years the city has effectively down-zoned adjacent areas through Infill and Redevelopment restrictions.

Work with existing property owners and managers to *encourage creative solutions to ongoing problems & higher standards for campus housing*. Issuing penalties for even the most minor infractions defeats the promotion of good will between property owners, renters, neighbors and the city. Positive incentives like a "*Preferred Housing Program*" status could be granted by the university or LFUCG for property owners who exceed existing codes and ordinances and set higher standards for their property and renters. Let's make it good business (through *positive* programs) to have decent, clean, safe, and affordable housing in the area near the University of Kentucky and other areas in Lexington-Fayette County.

Use tax incentives and zoning revisions to formulate creative solutions to neighborhood problems such as parking. Tax incentives could also encourage creative efforts at high density housing that preserves the basic character of the neighborhoods.

Engage UK at the highest decision making level particularly in regard to their alcohol policy. In 1997 UK changed their *alcohol policy* and the entire community increasingly began to deal with parties and other related problems on private property. *The University of Kentucky needs to be more involved* to really improve the area around campus and downtown.

UAHA PURPOSE STATEMENT

The University Area Housing Association (UAHA) is a non-profit neighborhood group that is organized to promote the provision of decent, clean, safe, and affordable housing in the area near the University of Kentucky and other areas in Lexington-Fayette County, Kentucky; to educate property owners, tenants, governmental officials, and citizens regarding issues surrounding housing; to promote sound governmental policy on housing and property ownership issues; to promote positive interaction between government, property owners, residents (especially including students at the University of Kentucky) and other citizens and to conduct other activities as from time to time may be determined by the organization's Board of Directors.

Planning Committee- Issues Outstanding

Issue	Member Referred	Date Referred	Status
• Greenway Maintenance Plan	Stinnett	Sept 02	Mar 07/April 07
• Underground Utility Lines	Gray	Feb 03	May 06
• Light Pollution	Gorton	Mar 05*	
• Vine Street Linear Park (Downtown Water Feature)	Gray	May 05	
• Urban Development Incentives	Stevens	Dec 05	May 06
• Liberty Road Project Status	Stinnett	Jan 06	Bi-Monthly Updates
• Neighborhood Improvement Districts	DeCamp	Feb 06	Apr 06
• Newtown Pike Status	Blues	Feb 06	Bi-Monthly Updates
• Tax Increment Financing (TIF)	Stinnett	Mar 06	Oct 07
• Old Courthouse Space Utilization	McChord	Apr 06	Ad Hoc Has Not Been Formed
• 2-Way Streets in Downtown	McChord	July 06	
• Property Tax Moratorium	Stinnett	Sep 06	Part of U.D. Incentives
• Noise Ordinance-Fireworks	Stinnett	Sep 06	
• Loudon Avenue Phase 1	James	Oct 06	Quarterly Updates
• Buffering ED Zone	DeCamp	Jan 07	Jan 07
• Board Composition & Accountability- Planning Commission, Board of Architecture Review & Board of Adjustment	Myers	Jan 07	
• Development Plan Adherence	Myers	Jan 07	
• Right of Way Signage	McChord	Mar 07	Moved from Services Committee
• Local Sales Tax Option	Stevens	Mar 07	Moved from Budget & Finance Committee
• Bluegrass Regional Economic Analysis	Stevens	Apr 07	Moved from Budget & Finance Committee
• DDA Land Bank Budget Amendment	James	June 07	October 07
• On Street Parking	Beard	June 07	
• I-64 Water Pipeline	Beard	July 07	August/Sept 07
• Student Housing Issues	Stevens	Sept 07	Scheduled Nov 07
• Social Services Report	Stinnett	Oct 07	Scheduled Nov 07

11/14/07

APPENDIX 5

UNIVERSITY AREA HOUSING ASSOCIATION (UAHA)

228 Lexington Ave., Suite 102
Lexington, KY 40508-2694
Ph. (859) 255-1142
Fax: (859) 255-1331

DATE: April 16th, 2008

TO: Mr. Jim Gray and Ms. Lisa Higgins-Hord, Co-Chairpersons
LFUCG Town and Gown Commission

FROM: Craig Hardin, David Burton, Sheila Pennington, Anthony Humphress, Katie
Humphress, Robert Kesten
UAHA Housing Study Sub-Committee

A visit to Ohio State University (OSU) on 2/27/08

UAHA PURPOSE STATEMENT

The University Area Housing Association (UAHA) is a non-profit neighborhood group that is organized to promote the provision of decent, clean, safe, and affordable housing in the area near the University of Kentucky and other areas in Lexington-Fayette County, Kentucky; to educate property owners, tenants, governmental officials, and citizens regarding issues surrounding housing; to promote sound governmental policy on housing and property ownership issues; to promote positive interaction between government, property owners, residents (especially including students at the University of Kentucky) and other citizens and to conduct other activities as from time to time may be determined by the organization's Board of Directors.

Raw Draft Notes: Trip to OSU 2/27/08
Sponsored By the University Area Housing Association (UAHA) of Lexington
UAHA Participants: Craig Hardin, David Burton, Sheila Pennington, Anthony
Humphress, Katie Humphress, Robert Kesten

I. OHIO STATE UNIVERSITY: - OFF-CAMPUS STUDENT SERVICES (OCSS):

Meeting with Mr. Willie Young, Director of the OSU Off-Campus Student Services
Office Includes the following major services:

1. Commuter Student Services
2. Housing Services
3. Rideshare & Carpool Listings
4. Community Ambassadors Program (like RA's in the dorm)
5. CampusTrades.osu.edu - Buy, Sell, Trade
6. Publishes the "CONNECTION" newsletter for communication to off-campus students

1. COMMUTER STUDENT SERVICES:

- Annual Commuter Preview Day
- Commuter Lounge w/ television, computer access, microwave, refrigerator
- Commuter Student Organization
- Free Lockers
- Emergency Notification System (Buckeye Alert) registration
- Flexcar Program (alternative to renting - vehicles on campus available by the hour originally for faculty & staff but expanded to university community)

2. HOUSING SERVICES:

- Keeps files on all landlords that want to be in program around the university
- Provides listing of properties on OSU website of off-campus housing available.
- Hosts Annual Housing Fair -to educate students on dos and don'ts
- Assists students with move-in and move-out inspections
- Helps make sure that that units are in good repair and meet safety requirements but does not report to code officials (notifies landlord)
- Maintains web-site for On-line (off-campus) housing search for all students
- Produces & Provides ratings list of all landlords (voting on-line by students)
- Provides Lease checklist
- Legal Clinic offers free lease reviews
- On-line roommate search
- Sublet listings
- Safety tips

- Holds regular luncheons with landlords to keep them informed of programs and create good will
3. RIDESHARE & CARPOOL LISTINGS:
- OSU username & password protected
 - Exclusively for OSU students and staff
 - Safety tips
4. COMMUNITY AMBASSADORS PROGRAM:
- Funded by landlords at first (rent discount &/or break on utilities)
 - Student Ambassador now paid \$100/ month by university
 - Resembles duties of an RA in a campus dorm
 - Located approximately one per block in University District
 - Ambassador holds cook-outs in Fall & Spring
 - Involve local police for building trust
 - Bug bicycles to guard against theft
 - Hosts a Corn Hole Tournament
 - Major sponsors Coke, OSU (\$58,000) Donatos' Pizza
 - Holds a "Light up the Night" contest in Dec. (Christmas light decorations)
 - Natural progression for RA's from dorms who do not want to live on campus anymore and university trusts as most responsible.

II. CAMPUS PARTNERS:

Met with Stephen Sterrett, Director of Community Relations.

CP is formed as a Non-Profit 501 c3

Established 1995 by OSU with cooperation of the City of Columbus

Has board of directors appointed by OSU, city and landlords

Primarily funded by the university but also the city and originally landlords 1st two years.

Employees are leased from the university and essentially OSU employees w/ benefits

Campus Partners has 3 main purposes:

1. Community Planning – produced document adopted by the city. Was instrumental in building trust and getting people to work together.
2. Strategic Projects for which other entities can not accomplish this. Project completed were S. High St. South Campus Gateway (mixed use development including a parking garage). CP was the developer and retains the operation of the retail but then sold off the residential portion above to a private company.

3. Act as an "Honest Broker" in the community to bring together private property owners, the city, the university and the neighbors to keep them working together.

Less than 20% of OSU students are housed on campus.

The area across High Street from OSU is known as the University District & Student Core.

In 1992 there was a Zoning overlay of the student neighborhoods introducing FAR, parking standards, etc. The University Area review Board was established to oversee its implementation. Has a city planner act as a liaison to the board.

III. OHIO STATE UNIVERSITY:

Met with Dawn Tyler Lee, Assistant Vice President; Office of Government Relations

Works with Non-profits & Community

Considers it her responsibility to make the university "Relevant" to the entire community including its alumni when they visit their kids that they now send to the university and recent graduates of OSU.

Wants to create a community in which graduates want to stay thereby retaining young people and talent.

Supports the Office of Off Campus Services.

Street light replacement program

Alcohol Policy on Campus – OK to drink if over 21

For off-campus residential parties, Use orange fence rule –

- Police across the street
- STOP acronym
- Ok to walk on street if cup is upside down
- Uses Facebook to identify parties
- Joint Bike Patrol
- Need Permit (from city) for Band at residence in University District
OK
- Police shut down about 1:00 a.m. for noise purposes.

IV. UNIVERSITY COMMUNITY BUSINESS ASSOCIATION:

Met with Pasquale Grado, Executive Director / Architect

UCBA is formed as a 501 c6 Trade Association

Established 1984

He is the only paid employee

Has handful of volunteer business folks

Obtained Community Block Grant for \$685,000 in 1985

- New sidewalks

- Street trees
- Lights
- Alleys resurfaced

Brought in Consultants Kelly & Cole of NY in 1994-95

- Pan Handling legislation
- Broken window syndrome

Didn't have political clout to get more things done than this until Campus Partners was formed in 1995.

Cooperation took off:

- street sweeping by being able to get cooperation to move cars
- better trash pick-up service and containment
- Off-Campus Student Services Created
- Public service delivery increased
- Systematic code enforcement
- Envelope programs -\$400,000 grant for the poor
- Down payment assistance for Faculty & Staff

Main financial support comes from property managers & owners

OSU originally underwrote it's creation along with 2 property managers

Contracted work (parking study) city adopted

Neighborhood Commercial Revitalization Program

In-Kind donations (free rent, utilities, copying, etc)

Banks helped to underwrite University District

See www.universitydistrict.org }

University Community Business Association } These 3 created a comprehensive website

Campus Partners }

Definition of family was attempted and struck down in 1986

- basis was rooted in same sex marriages, partnering, etc.
- could not get it to become legally binding
- 5 or more unrelated people requires rooming house license
- Rooming houses then inspected once per year
- Cooperation by code enforcement to write up tenants and not property owners
- Landlords don't get along

Campus Partners being held to a different set of standards

Columbus Apartment Association

University Neighborhood Revitalization Plan

- Concept Document eventually adopted by city
- Took years of meetings with all parties
- Now narrowed down into 12 action items (separate packet, 4 pgs. Oct. 2007)
 - o Gateway
 - o Code Enforcement
 - o SID's (Special Improvement District) (Taxing District)

V. COMMUNITY CRIME PATROL, INC.:

- Met with Ellen Moore, Executive Director
- Formed as a Non-Profit 501 c3 in 1990
- State, City & University funding
- Has 3 main staff, Approx. 20 total including patrollers
- Patrols neighborhoods in teams of 2, 2-3 teams per night on foot or mountain bike
- Carry flashlight, 2-way radios tied to city police, wear bullet proof vests
- Trained for non-intervention
- (OSU Police do not patrol off-campus so the University District is strictly Columbus Police jurisdiction)
- Program produces statistical information in the neighborhoods
- Patrollers feed into Columbus Police recruits so they like and support it
- Alliance for Cooperative Justice – Ohio , funding for a day patrol program
- They cooperate with other city agencies by calling in
 - code violations
 - street lights out
 - missing street signs
 - pot holes
 - traffic signal problems
 - indoor furniture
 - overgrown yards
- Provide literature distribution services for Off-Campus Student Services office

APPENDIX 6



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **May 15, 2008 (Thursday)**

The meeting was held in the 8th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:05 PM.

Members present were Chairman Mike Meuser, Vice Mayor James Gray, Councilmembers Linda Gorton, Dick DeCamp and David Stevens; Robert Brown, Charlotte and Bob Boone, Craig Hardin, Dave Burton, Joe Monroe, W. Tyler Montell, Tony Blanton, and Robert Kesten. Council staff Mary Tackett, and guest Michelle Ku (Lexington Herald-Leader reporter).

Minutes – There were no minutes to review as matter was referred by the Planning Committee and this is the initial meeting.

Introductions were made by all present. Chairman Meuser mentioned the materials that were provided by e-mail (some memoranda and other examples of approaches that have been used in other communities to deal with the issues we have been talking about over the years). He opened the floor to the question of whether anyone felt the need to do any additional research or have additional materials to review. No comments were made.

Vice Mayor Gray explained the composition of this task force was not established casually and all points of view are important to the conversation. They recognized there would be different points of views. He thanked Chairman Meuser for agreeing to serve as chair of this task force. Mr. Meuser stated he wants to make sure we come to some sort of consensus of what the problem is. He added this is not an easy issue, and felt they should review the materials available on what other communities have done and try, as a group, to come to some consensus about what the real problems are related to student housing, both the impact on the students, the landlords and the people who live in these neighborhoods. He felt they need to prioritize what they think the most serious issues are. It was agreed this had been an ongoing problem and probably would not be settled overnight.

Mr. Meuser stated where he lives parties are less of a problem than just general disrespect for the neighborhood. He felt that was something that has changed and parties are better controlled but thinks other things we see in the neighborhood are more of a threat right now—the loss of balance between owner/occupants and renters and the general disrespect of the conditions in the neighborhood. Vice Mayor Gray stated he felt a good exercise for today would be talking about our own views of what the problems are.

Mr. Hardin asked what the end result of this task force is intended to be and if there is a predetermined goal here? Mr. Meuser explained in the chair's mind the goal is to try, once we have identified what the problem is, to address it in a way that involves some consensus of the players and also what is going to be effective. He explained he does not have a predisposition that at the end of this we are going to say here is an ordinance—go pass it. We might say we need to create a different kind of animal and it doesn't involve legislation but involves some kind of joint compact between the university and the landlords and the residents. Mr. Hardin asked if this group is going to write up some kind of report and then give it back to the Planning Committee; it was agreed this was the intent. Ms. Gorton explained the expectation is the Planning Committee, which authorized establishment of this task force, would like to hear a report back. Ms. Gorton asked if there is a time frame for each meeting. Mr. Meuser stated he agrees with that and his preference is to meet for one hour and if they can all agree to try and get whatever we are going to get done each time in an hour. That was agreeable to all present.

Mr. Blanton asked if anyone from the Bluegrass Community and Technical College had been contacted. It was noted a lot of those students live in the Elizabeth Street area, and Palisa Williams Rushin (246-6523) could be contacted concerning that group.

Mr. Meuser asked if anyone would like to share their view of what the issues are. Dr. Stevens said he would like to see the neighborhoods surrounding our educational institutions be established in such a way that it is compatible for permanent residents and for students; make it a place the permanent residents would not have to move away from because it has been overrun by too many student houses. Mr. Meuser asked if when he said "overrun" he was referring to a whole host of problems—trash, parking, disrespect, and anything associated with it. Dr. Stevens stated that was correct. Mr. Monroe stated he felt the problem is the students don't take ownership in the area where they live. If it were their house they would take better care of it. Mr. Hardin explained from a landlord's point-of-view we don't disagree—there are two things though we might disagree to some extent, that all neighborhoods need to have a balance of 50/50 and there are perhaps others we may want to look at i.e., "university district" or "student zone" or something like that. He noted there might be some areas where that might be better because they don't see that the lifestyles of the students will ever really be compatible next door to someone who is in working mode, has a young family, etc. that needs to get up at 6:30 AM and go to work. He felt those are two separate issues and might need to be divided at some point.

Mr. Burton noted that Mr. Meuser said parties were not as big an issue right now and asked if that is a consensus now. Mr. Meuser stated that his view comes from a neighborhood where they have managed to keep some balance. Mr. Boone stated they are a problem but thinks that comes back to disrespect of the property. He explained requirements for his property is a bit more extensive than the standard set by the university and their tenants have not become party problems. Mr. Meuser asked how they have done that and Mrs. Boone explained they have someone on the street that will tell them if a problem exists. Mr. Boone also stated they have a discussion prior to lease signing and make it very clear they will not tolerate parties.

Mr. Hardin stated they strongly agree with accountability and personal responsibility. He added that is one thing that is very big with the University Housing Association, and landlords have been concerned for a number of years, but also recognize there are other landlords that just do not care. He added one of the biggest frustrations they have is trying to hold us responsible for the behavior of another individual. He noted the enforcement vehicles available to the landlords

are few and far between and most of the time do not make good economic sense. He noted you cannot move someone out without due process. He stated they want to find ways to hold the individual responsible and fairly quickly.

Mr. Meuser asked what is the hierarchy in the committee's mind of accountability in dealing with these problems. He noted we have laws on the books to keep people from leaving trash on their yards and for people not maintaining property or destroying their property, and when we seek enforcement of those laws, those agencies are fairly overwhelmed by the scope of what we are calling them about, day after day. So in terms of students, landlords who own the property, and the city or the university, what is the hierarchy to deal with these issues? Mr. Gray said that may be another issue of problem statement; absence of clear accountability would be part of the problem. Mr. Meuser stated the reason he began with suggesting a need to identify what the most severe problems are, is the accountability may shift. He added he would agree with Mr. Hardin that the first accountability for someone who is standing on the front porch urinating and screaming at 3 AM is the person who is doing that. But if he walked by the next day and all the trash is still in the yard, maybe the accountability is starting to shift at that point. There is a landlord responsible for that property. Mr. Meuser stated there is another group which has to do with landlords doing things to their property to make it more accommodating to students which have a negative impact on the neighbors, i.e., gravel in backyards and front yards. He added you cannot expect Dewey Crowe to undo the gravel—the only way that can be remedied is if the Law Department decides someone has violated an ordinance doing that and we are going to bring a lawsuit to abate that nuisance. Dr. Stevens stated it is difficult to enforce many of the laws. Mr. Hardin stated that would equal frustration because we cannot enforce existing laws.

Ms. Gorton asked if everything fits into either behavior, real property changes or the inability to enforce existing laws on those properties. Mr. Meuser stated yes. Mr. Burton also mentioned that some problems come about with expansion of existing homes such as a box inside a box. Also, he noted you can restrict the building but right now you cannot control the number of people living in that house. A discussion on people density and land use density evolved.

Vice Mayor Gray suggested anyone with further thoughts or comments on identifying problems forward them to Mr. Meuser.

Next Meeting Date: June 11, 2008, 4:00 PM – 5:00 PM – in the 10th Floor (Budgeting) Conference Room.

Meeting adjourned at 5:05 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **June 11, 1008**

The meeting was held in the 10th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:02 PM.

Members present were Chairman Mike Meuser, Council members Linda Gorton and David Stevens; Robert Brown, Charlotte and Bob Boone, Craig Hardin, Joe Monroe, W.Tyler Montell, Tony Blanton, Robert Kesten, Bob Kelly, Debra Hensley, Lisa Higgins-Hord, Bill Lear, and Council staff Mary Tackett.

Minutes – A motion was made by Dr. Stevens, seconded by Ms. Gorton, to approve the minutes of May 15, 2008 as revised. Motion carried unanimously.

Mr. Meuser explained at the last meeting they discussed problems related to student housing and agreed if anyone had any additional materials, ideas or thoughts they wanted to convey they would pass them to him to pass on to the group. He stated he did not get anything from the group, and asked if there was anything new to provide today. Mr. Hardin stated he had the minutes from the OSU trip that was distributed at the Town & Gown meeting. Mr. Meuser stated he would send copies to the task force members.

Ms. Debra Hensley explained she had lived in her neighborhood for a number of years and has seen a tremendous transition of things that are negative, i.e., problems include inadequate parking, water run-off, fumes, and garbage being dumped. She stated there is an increase in the number of cars when school is in session and some people are parking but do not live on the street. She suggested aggressively looking at the parking ordinance. She also mentioned the availability of Google maps would show how quickly the area has changed.

Bob Kelly mentioned the difficulty in housing students at a very dense level in a single-family or R-2 neighborhood. He noted with an apartment complex there may be an on-site manager but in a neighborhood of single-family residences there is usually no one managing them on a daily basis. He stated maintenance issues go unreported, garbage goes uncollected, herbies don't go out and social gatherings can become unruly. He added many of these lots are 50' x 150' and the density has been increased to 5 to 10 occupants, noting even if an entire yard is graveled you could not get enough parking spaces, leading to people forever expanding driveways, etc. Also, he pointed out that after a certain square footage of parking space is reached, you are supposed to deal with storm water run-off, and noted gravel is not a dustless, durable surface. He added Building Inspection does not follow through on site development and often times parking is expanded but no one enforces it, and Planning & Zoning does not pay close attention to residential development; also, Building Inspection does not have a good grip on parking and

planting green space. He added the physical appearance, maintenance problem and behavior can destroy the character of the neighborhood, driving people away and then it becomes a largely student populated neighborhood, adding that a lot of the owners do not pay close enough attention to certain things.

Ms. Gorton stated you could have 50 students in an apartment building and would probably have an on-site manager. She asked Mr. Hardin if all apartment buildings have an on-site manager. He replied they probably do not, as a matter of economics. Ms. Gorton stated five houses could be housing the same number of students. Mr. Meuser mentioned the problem is changing the density without changing the zoning on these properties. Ms. Hensley asked how many parking spaces are required and it was thought that .9 per bedroom; if R-2 zone there is a maximum of four. Ms. Hensley asked at what point we have the infrastructure to support the density. She added the parking ordinances must be a part of this discussion.

Ms. Gorton referred to a large development on Big Bear Lane that consisted of a lot of closely built homes primarily for housing young professionals. Then many of the garages were turned into bedrooms and they were paved over in the front so now the density is huge, even though they are houses.

Mr. Hardin noted the Infill & Redevelopment had a maximum of two spaces for single family residences. Ms. Gorton thought it had not been adopted yet and Mr. Hardin replied it had been (same plan that took care of adding the vinyl boxes on the back of a home). Since this is very confusing it was suggested we have copies of the parking regulations at the next meeting. Parking permits were mentioned and Mr. Hardin explained the parking permits have been totally removed from the 300 block Transylvania Park. Mr. Meuser suggested providing the residential parking permit ordinance at the next meeting.

Mr. Brown reported Transylvania College campus students are estimated having 1.5 cars per student that drives, so parking is a continuing problem. He added the students they are dealing with have changed—there are more freshmen and sophomores in the houses rather than juniors and seniors. Mostly what has been described in this meeting is a residence hall without any monitoring, people on the property with no one to watch after it and all the problems mentioned are the things the schools deal with on a month-to-month basis, inside the residence halls. Ms. Gorton asked whatever happened to freshmen parents not wanting their children to live off campus; Mr. Brown stated the parents are different as well; the parents are monitoring, hovering over the students (called helicopter parents) and want to come into the career development and help the kid interview.

Mr. Hardin reported when they went to OSU they have the very same issues, on a much grander scale and that is why they went to look at it, plus they are a benchmark group, adding they had information on "Off Campus Student Services"; this is a program where they actually recruit the former RA's from the dormitories to come out and live in the neighborhoods and some are paid or actually like "block captains". It is tied with women's safety and they didn't want unsupervised areas, but these guys actually were tied into the university and they report back to the Dean of Students office. Mr. Meuser stated he would make sure this information gets circulated to the task force members.

Ms. Hensley stated she thought it would be helpful to have a listing of the code violations. She mentioned a fraternity house on Aylesford Place that had numerous violations and how quickly

they were able to comply with the code and the frequency in which the same code violations come up, year after year. She asked if there is a track record where we can see where certain properties have been an issue for years and the zoning is conditional. She stated it seems to her that the ordinances should state when they are out of compliance there is a reason to take it back to the original zone. Mr. Meuser stated Vice Mayor Gray suggests that we try to organize a date and meeting time to go to a couple of the neighborhoods to look at the problems first hand. He added this is probably a good idea, and said he is willing to organize that schedule in a way to get to those places hopefully within the hour time frame allotted. He also thought it would be helpful, since most of the problems we talk about have to do with either zoning or code enforcement, getting Building Inspection & Code Enforcement here to talk about the issues they are confronting and their enforcement problems. Ms. Hensley asked if that would include a discussion on parking and their role as it relates to parking. Mr. Meuser stated he thought it would.

Dr. Stevens noted enforcement of parking is still a function of Police but they are trying to hand it off to the Parking Authority because nobody wants it. However, the Parking Authority has not accepted it yet. Ms. Hensley described a situation where at 2:00 AM a gravel truck dropped off gravel at a house three streets down from her; the gravel is still there. Photos were taken, the complaint was made and everyone agreed it couldn't be done but it is all still there. She asked what are we suppose to do—are there laws on the books that allow us to go back and press the evidence we have with Google maps? Where does this get put into the conversation?

Mr. Hardin stated the committee now needs to come up with ideas on where we expect the students to go and be; as where the students should park. He stated at this point it sounds like a lot of complaining about where we are now, which is valid, but we need to have solutions going forward. He thought we need to come up with ideas about where we expect the students to go and be. He stated he knows by trying to be a responsible landlord he would like to know the answers so he can direct things the way people or city wants him to do it, but right now there is no solution to that, so it is not going to be acceptable to reduce the number of bedrooms due to the economics involved. Mr. Meuser stated he agrees with that and thinks one of the things we have touched on today that will help us do that is we will try to get a handle on what exactly the parking requirements are now, and is it really true that student tenants living on Transylvania Park cannot get a residential parking permit. If that is the case then maybe we should have some discussion about changing that. He added they need to know what the rules are before they talk about what can be done.

Mr. Lear stated he thought it would be very helpful if this group made a list of those things they see as enforcement issues and get the Department of Law to prepare a matrix of who has the responsibility for enforcement for each of those issues.

It was decided the Task Force would request the following agencies be represented at the next meeting: Department of Law, Division of Planning & Zoning, Building Inspection, Code Enforcement, and Parking Authority. Dr. Stevens will notify them and tell them that Mr. Meuser will contact them for the particulars.

Next Meeting Dates: The following meeting dates were established: July 9th, July 30th, and August 13th (all will be from 4-5 PM and the location will be announced).

Meeting adjourned at 5:00 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary
Student Housing Task Force
July 30, 2008

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:10 PM.

Members present were Chairman Mike Meuser, Council member Linda Gorton, Charlotte and Bob Boone, Craig Hardin, W.Tyler Montell, Tony Blanton, Robert Kesten, Bob Kelly, Debra Hensley, James Branham and Jeff Haney (Division of Fire), Ken Armstrong (Division of Police), Nick Starnatiadis, Dave Burton and Council staff Mary Tackett.

Minutes – Ms. Hensley requested a change in the minutes (page 3, paragraph 2, sentence 3, to change “where at 2:00 AM” to “during early morning hours” A motion was made by Ms. Hensley, seconded by Ms. Gorton, to approve the minutes of May 15, 2008 as revised. (Mr. Hardin reserved the right to amend the minutes at the next meeting since he had not had time to read them. He also requested they be sent to task force members earlier than the day before the meeting to allow time for review. Mr. Meuser stated they would be sent earlier.) Motion carried unanimously, subject to any corrections at the next meeting.

Review of Summary & Discussion of Issues for Meeting with Agencies Representatives on August 13, 2008 – Mr. Meuser explained he held a preliminary meeting last week with all the agencies involved to discuss their issues concerning enforcement in the various areas. (A copy of the summary of that meeting is attached.)

He asked the task force members what other issues or other materials, if any, they would like these agencies to address at the next meeting. He stated the agencies that will be represented are Code Enforcement, Fire Inspection, Police, Solid Waste, Parking, and Building Inspection. He explained when this began he and Dr. Stevens discussed his getting with each of the agencies individually but decided it would be easier to get them all together. He added what he tried to do in the summary was identify the issues they raised and the obstacles they pointed out in dealing with student housing for each of their areas. He stated he wants to make sure we are organized as a group when we meet with them so we don't waste time.

Ms. Hensley requested Mr. Meuser summarize that meeting for the task force. Mr. Meuser noted that Tim Bennett explained when they had the problem with activities around the football games last fall, the Mayor organized an emergency group to immediately deal with that. At first it was Police, Fire and Code Enforcement; we had a fire, and trash and behavior issues and they were able to move quickly on those problems in areas immediately around UK. They brought in other agencies and began looking at other neighborhoods for similar problems in Winburn and Center Parkway. Tim Bennett was already familiar with who to contact. Mr. Meuser stated he explained to those assembled there that we are trying to insure we have a firm understanding, factually, of what the difficulties are with things that are complained about relative to student housing. He added we need to know, specifically, if these agencies feel there are some obstacles to them

dealing with those problems, what those problems are, in terms of what the ordinance says, or how the courts react, or whatever the enforcement issues are.

He explained they went around the table at that point and the Fire Inspector (Captain Haney) gave us his version of what they are able to do and not able to do, both in terms of inspection and enforcement of their orders once they make them. He noted they also heard from David Jarvis, Code Enforcement. He added he felt two things came out of the general discussion of what you can do and cannot do and what is effective and what is not.

One was that these administrative hearing bodies have been more effective dealing with some of these problems than the courts have been. He stated that is something we have heard for a lot of years. The other thing we heard is that the inability of certain agencies to go into these buildings leaves us without any knowledge of whether certain laws are being complied with, specifically Code Enforcement and the Fire Inspector. He explained they were told unless a tenant who occupies the premises, pursuant to a lease, or the owner of the building says you can come in and check these things, they cannot go beyond the front door. The only exception is if there is a common, public accessible area that they may enter.

Also he mentioned Building Inspection and said Dewey Crow explained they may get a report from a neighbor and look in a window and if it looks like there are remodeling, they can ask if they have a permit and determine if they are doing what they are supposed to be doing. Mr. Meuser stated if they do not let Building Inspection in, they write them a letter and ask for access. He added the message they got was unless they know conclusively, with proof, that there is an activity that requires permitting going on, they cannot go in the building. At that meeting it was noted that there is a lot of remodeling in Lexington without permits. He stated they discussed the issue of density and parking and learned that it is legal to park automobiles in the back yard on the grass as opposed to the front or side yard. Ms. Hensley noted that is not legal to put down gravel. Mr. Mauser stated when they don't have another place to park they will park in the back yard until it gets muddy enough and difficult to park there. He noted they talked about parking lots, and illegal parking lots (just dumping gravel which is no longer a permitted surface for parking areas). He stated Tim Bennett noted the satellite imagery has been helpful in establishing whether or not a lot was there before that ordinance was amended to require pavement. He added the District Court is very picky about the quality of proof they accept on those issues and there is the practical difficulty of going to someone after the fact and saying undo it and then making them follow through with the process of compliance. He added they did not get to the bottom of that issue.

Ms. Hensley stated the prevailing theme is fire and life safety issues and being able to go into some of these buildings as they come up for sale to see if these are real safety issues. It presents a real dilemma for the Fire Department unless they can have access to the building. She added it is a major concern for those who live in that area for the safety of the occupants. Mr. Meuser stated what was once a single-family house is now many bedrooms and maybe one kitchen, maybe a couple of baths, but mostly bedrooms. He stated that creates significant issues relative to fire safety because when people are asleep and there are fires that is the greatest danger.

Code sweeps were mentioned and David Jarvis felt his comprehensive sweep was effective but was marginally effective for the interior of the buildings because some student tenants didn't allow them in. Mr. Hardin noted that during the last two sweeps they began checking everything

(window sizes, sprinkler heads in escape route, etc.). Ms. Hensley noted 129 students died across the country in the last eight years due to fire and safety type issues, and asked if the parents should have concerns about safety could they call and say they are concerned; they could not because most students are 18 years of age or older but the parents could encourage that child to call or invite the authorities over.

Mr. Hardin asked when this meeting was held and why were they not all invited. Mr. Meuser stated they did not want the agency representatives to show up at the meeting and not understand what the issues were, and explained everyone will have a full opportunity to discuss all these issues. Mr. Hardin stated it seems to the extent that this discussion is heading toward wanting to have mandatory inspection on rental properties he would have to object immediately because they were not all invited to the meeting. He felt mandatory inspections are not necessary because things have improved and they have had numerous code sweeps in the last twelve years. He voiced his objection to the direction this already seemed to be taking and felt they should all be included in these type discussions. Mr. Burton stated he felt they are willing to work with the agencies but it takes time to do the paper work and reinspect but noted it would be interesting to talk to the agencies and explain the property owner's perspective. Mr. Meuser stated that is what needs to be done and explained that all he did at the first meeting was ask questions.

Ms. Gorton referred to Mr. Meuser's report, second paragraph, where it mentions inclusion of other neighborhoods, and asked that Big Bear Lane be included, noting it is not near the university but it has a history of multiple problems; they have turned garages into bedrooms, paved the yards, and the area consists mostly of students. Members were in agreement with this request.

It was suggested the members might request someone from the Law Department be assigned to assist this group to sit in on all of these meetings in case we should move toward some legal change. Mr. Meuser asked if he should contact the Law Department or should the request come from a council member; Ms. Gorton suggested he call Commissioner Logan Askew of the Law Department. Members also suggested other agencies that might need to be involved in these discussions—they were County Attorney's office and the Chief of District Court. Mr. Hardin stated it is sometimes difficult for the landlord to enter the premises. Ms. Gorton asked if there is a clause in the lease that prevents the landlord from entering. Mr. Hardin explained the Landlord-Tenant Act (state law) requires 48 hours prior to entry; he explained his lease requires 24 hours.

Ms. Hensley stated the zoning definitions do not limit the density within zones and thought the Division of Planning might need to be included, noting there is a gap between single-family homes and a higher density zone, and this gap may be creating some of the issues involved (parking spaces required, etc.). It was noted Building Inspection will not issue a permit for a single-family home requesting more than four bedrooms; but, he stated a lot of remodeling occurs without permits because it is inside. This is not enforced if it is a true single-family use.

Down zoning was discussed and Mr. Hardin explained the only particular down zoning could be the Historic Zone, 300 block of Transylvania Park, and some other pockets, but in large what has happened around the university there were R-5, R-4 and R-3 and going back 20-30 years there was a lot of high-density zoning around the university. That is where the students lived and that took the pressure off the R-2 and R-1 zoning. But as the university has grown we have (as a

community) failed to replace that high-density zoning directly around the perimeter of the university which is where the students want to live. Mr. Meuser stated when you down zone you change the land use designation, saying no longer multi-family but now single family, and single family properties are routinely converted to student housing, even today, in all these neighborhoods and places like Big Bear; this is the problem. How the property is zoned has nothing to do with where student housing is—you can go to Chevy Chase, take a cape cod house and build a box on the back and fill it full of students and you are not going to get any trouble from Planning & Zoning or Building Inspection.

Next Meeting Date: August 13, 2008 in the 5th Floor Conference Room of the Urban County Government Center at 4:00 PM. Mr. Meuser encouraged everyone to attend the August 13, 2008 meeting and assured the group that he would make sure someone from the County Attorney's office, Chief Judge from District Court and someone from the Law Department will be in attendance.

Site visits were discussed and the following mentioned:

- Wait until after school starts.
- Plan to meet at 4:00 PM and know that it will take longer than one hour.
- Goal is to let everyone see first hand what the issues are and we have representatives involved, we can comment on what we see, what we think they are the product of and how we can best deal with them.
- September 24th is the chosen date.
- Visit Big Bear Lane, Aylesford and Elizabeth Streets, North Campus, and South Campus.
- Attempt to get a bus so group can travel together.

Mr. Meuser will circulate an e-mail concerning the site visits.

Mr. Hardin asked about the charter, what we are supposed to be doing. He noted we are focused on problems and issues, but asked where the students will go, and felt we would be remiss if this task force did not answer that question. Where do we want the students to live? Ms. Gorton said she did not believe that was part of the charter. Mr. Hardin stated as a planning tool, if we are the Housing Task Force, we need to have a plan; the effect will be with natural market forces—if you take all the R-5 zoning up close to campus. Mr. Meuser stated he was told by Dr. Stevens that they had been talking about these issues impacting the neighborhoods for student housing for ten years and haven't done anything to address them. Dr. Stevens did not say specifically what they must do, but his view is make sure everyone is in agreement of what the problem is, then figure out how to deal with it the least impact on everyone. Mr. Meuser agreed and thinks we will prepare a good report and go back to the Planning Committee and that committee will have to decide what comes to the Council in terms of recommendations. Mr. Hardin stated he did not want to see all complaints and no solutions. Ms. Hensley stated there are some things we are just not going to have any control over or getting an absolute solution for and she did not want the group to be stymied by not being able to get beyond that. She added there may be some answers here that we need to be able to consider; she stated part of the problem is not the past ten years but instead the past twenty to twenty-five years. Mr. Meuser stated the message is that we must do something. Mr. Montell noted at the beginning meetings we talked about how could we make students buy into ownership for something that they do not own; Mr. Meuser agreed noting the previous discussions about accountability.

Adjourned: 5:05 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **August 13, 2008**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 3:58 PM.

Members present were Chairman Mike Meuser, Vice Mayor Jim Gray, Council member Linda Gorton, Charlotte and Bob Boone, Craig Hardin, W. Tyler Montell, Tony Blanton, Robert Kesten, Bob Kelly, Debra Hensley, James Branham and Jeff Haney (Division of Fire), Ken Armstrong and David Boggs, (Division of Police), Nick Stamatiadis, Bob Brown, Gary Means, Bill Johnson, Eric Thomason, Timothy Bennett, David Jarvis (Code Enforcement) Dave Barberie (Law), Dewey Crowe (Building Inspection), Larry Roberts, Fayette County Attorney, and Council Staff Maureen Watson.

Mr. Meuser requested all present introduce themselves. He explained at the last meeting he summarized for the Task Force the various issues that were discussed at his meeting with officials. He noted the purpose of this meeting was to discuss the issues about student housing and enforcement of various laws in Fayette County. He then opened the floor to questions.

Bob Kelly asked if the Parking Authority would be patrolling the parking issues around the university. Gary Means stated yes with a few details:

- Meters will be there anyway.
- Residential parking permit zones (and there are 25 of them) will be enforced by their regulations.
- The Parking Authority has been given an added responsibility by the Council to take a look at specific situations and, working with other agencies, collect data reference off-street parking spaces, permit programs, etc.
- Mr. Means wanted to make it perfectly clear that the Parking Authority will lean in the direction of the real reason the RPP's were put together is for the individual homes and individual residents, and the multi-units tend to create a problem with the on-street element.

Mr. Kelly explained in the Elizabeth Street corridor there is illegal parking near the corners of the intersections causing sight problems; this occurs at every intersection every day and is difficult for police to deal with. He also mentioned front yard parking and said it would be great if some of those issues could be addressed without neighbors having to call police. Mr. Means noted the RPP zones are typically near the university and it would not be unreasonable for them to venture off a block in any direction (from the RPP zone). Mr. Kelly noted there is still a gap of what the Parking Authority and Police are doing and this needs to be addressed if we are going to have uniform parking enforcement across Fayette County. Mr. Means advised the Parking Authority will not cite for parking in front yards. It was noted Police still cite for parking in the front yards. David Jarvis mentioned Code Enforcement only deals with automobiles in yard if they are inoperable.

Ms. Gorton asked if it is against the law (an ordinance) to park in the front yard. Mr. Hardin explained they are trying to determine how the existing laws are being enforced. Assistant Chief David Boggs (Police) explained the Division of Traffic is part of his command and once the Parking Authority is able to pick up so much of the enforcement, the Division of Traffic will be able to concentrate on enforcement of this specific ordinance. He noted they realize the problems exist. He stated the issue is private property and he didn't think that was what the Parking Authority is being asked to do.

Ms. Hensley asked, since the various agencies were present, if they could address the problem of parking vehicles in the backyards which are grass, then mud, then the gravel truck is involved, then the complaints begin and we find one division has no authority and another one says they told the owner to remove the gravel; the cars are still there and the gravel is not removed and this process continues from yard to yard. She asked what can be done to eliminate this problem. Dewey Crowe of Building Inspection explained there is no requirement for paving the rear yard and they can park there as long as they want to. He noted Code Enforcement cannot cite them if they are legally licensed vehicles. If they do pave they are required to put in concrete or other durable hard surface—not new gravel. The problem comes when there was existing gravel prior to the ordinance change requiring paving. It is difficult to determine if gravel was there, and what area existed at that time. He explained they are able to use GIS photography to answer those questions. He noted the gravel areas cannot be expanded but they may refresh the gravel; sometimes there is a “gravel creep” which enlarges the area.

Ms. Hensley asked if someone builds an addition to an existing building and wants to provide parking are there other requirements for the new structure. Mr. Crowe explained when building a new home they are required, by ordinance, to provide one parking space (out of the required front yard space); an attached garage provides the one space. He added if it is a duplex or a converted single family home they must provide four parking spaces outside of the front yard or side yard, usually placed in the back yard and must be paved.

Ms. Hensley noted the problem is taking a single family home with one person living in the structure being converted to accommodate eight students. She added the property then looks like a multi-unit and in reality is being used as high density but being treated as a single family home. Mr. Crowe stated that is correct and as long as they are living there as a “family” this is allowed, and if eight students are living there they could have eight cars related to that building but required to have only single-family parking space. He added this is where the problems begin and they park in the front or back yards.

Ms. Gorton asked how the area of Big Bear Lane has been allowed to pave 100% of their front yards. Mr. Crowe stated this is allowed under “additional parking” (Article 16 or the Zoning Ordinance). He explained they are required to have certain set-backs; some were done without permits and do not comply. He added there are some issues they are trying to correct. Mr. Meuser asked if the “additional parking” applies to single family zones or multi-family zones. Mr. Crowe stated it applies through R-2 zones.

A question was asked if there is a line in the parking & zoning regulations if an area exceeds a certain number of square feet are you required to retain storm water and how does that apply. Dewey Crowe explained anything greater than 1,800 square feet of paving triggers storm water controls and the Division of Engineering must look at how they are managing the run off, it triggers landscaping requirements and several different things; 1800 square feet of pavement or five or more parking spaces is the trigger point.

Someone asked if that applies to gravel. Mr. Crowe said no, it applies to pavement only (gravel is pervious).

Mr. Hardin asked if there is a maximum number of parking spaces that are allowed, i.e., backyard, duplexes, etc. Mr. Crowe explained there is no maximum; the only limiting factor is 1800 square feet. He added there are no set-back requirements so they can pave to the property line. Mr. Hardin asked if he had a duplex and a need for eight parking spaces and land available and met all other requirements, would it be allowed. Mr. Crowe stated it would be allowed. He noted the front yard requirements are more restrictive than the rear yards.

Mr. Meuser noted the arrival of more people. They were Larry Roberts, Dennis Burton, Steve Amato, and Steve Feese.

Mr. Kelly asked if residents choose to park in the rear yard in the grass and that turns into mud, then the mud is tracked across the sidewalk and street when exiting, are there any regulations governing that and if so, who would enforce it. Ken Armstrong noted the Police would look into the matter and if there was a large amount of mud they could act on that. David Jarvis noted Code Enforcement does cite when they tear up the front or back yards—this is called grade flow change and creates mud holes with mosquitoes (they have cited State Street, Oldham Avenue and Kentucky Avenue).

Ms. Hensley asked if the property is in an historic district and gravel is dropped on historic green space where it has never been before, and a citation is issued and certificate of appropriateness is requested and it is denied, how are the divisions of government dealing with this. She added Historic Preservation will say the owner cannot do that and instruct the owner to remove the gravel and reseed it; instead they throw down straw and continue to park there. She noted they have been told they will probably have to go to court and no one seems to be able to correct the problem. Ms. Hensley explained when you have H-1 zone and a regulatory authority saying no and government says they can, adding there is still a huge disconnect with these different levels of authority. She stated she believes in an H-1 zone they cannot pave to the line because landscaping is required. Dewey Crowe stated that is correct and Historic has to approve everything; a historic overlay is done. Additional parking requests must go to the Historic office to be approved by their staff or the Board of Architectural Review for approval. Mr. Crowe stated his office does work with Historic Preservation to enforce these issues and both agencies may pursue them.

Mr. Meuser mentioned at the last meeting this group discussed life and safety issues. He asked if, in general terms based on their own enforcement powers and what they know the law to be, what level of assurance can they give the community that students living in what were formerly single-family residences are safe in terms of fire safety and other life safety issues.

Mr. Crowe explained this would be a conversion. When the owner converts a single-family home to a duplex and gets a permit to do that it triggers a full application of the Kentucky Building Code to assure it is built in a safe, structurally sound manner. They must provide everything that a brand new duplex would have to provide in any other location (i.e., certain levels of smoke detectors, etc.) and certain things must be done to meet the Kentucky Building Code and be tracked by our Building Inspection inspectors to insure everything is being done. If an owner converts property illegally they have no way of knowing if the structure is safe.

Mr. Meuser asked if a property owner rents a single-family house and rents it to six students would that trigger it in Building Inspection as a conversion of that property into a duplex. Mr. Crowe replied it does not, and explained what would trigger that to a duplex would be the addition of a second kitchen to a unit. Addition of a kitchen is the key item in the zoning ordinance to define whether it is a unit or not. If there is no second kitchen it remains a single-family unit with one kitchen and up to four bedrooms. Mr. Meuser asked if the only way that Building Inspection can become involved in a legal enforcement process is to try to add another kitchen through the permitting process. Mr. Crowe stated that is correct, adding if a single-family residence is located within an R-2 zone (State Street and University Avenue are in R-2 zones) legal conversions can be accomplished. However, if a single-family residence is in a single family zone you cannot add a second kitchen legally and Building Inspection can take appropriate action to have the second kitchen removed.

Mr. Meuser asked the fire inspectors if those houses that do not go through the permitting process as Mr. Crowe described, what level of assurance can you give us that the students living in those houses are safe. James Branham stated they do not inspect single-family homes so they would not know about it. David Jarvis explained if Code Enforcement gets a complaint from a tenant or another government agency or during a comprehensive sweep (they have done three in the last ten years) they can take action. Mr. Meuser noted it was his understanding from previous comments is that the only way an inspector can get into the interior of the building is if the tenant or owner of the property allows it. Mr. Hardin stated he has had a lot of experience with inspection and one way or another the inspectors find a way to get in. He added if a complaint is a life/safety issue they correct the problem immediately. Mr. Meuser asked what percentage of inspections do they actually get inside; Mr. Jarvis stated approximately 85%. He stated normally when they knock on the door and explain why they are there the people let them in.

Ms. Gorton asked how they determine the number of residents. Mr. Jarvis stated unless they have numerous mail boxes or the doors have numbers they really do not know. Mr. Stamatiadis asked if there is an ordinance that limits the number of people allowed in one structure. Mr. Jarvis explained under the International Property Management Code the residence must have 150 square feet for the first person and 50 additional square feet for each additional person. He noted old Victorian homes have a great deal of space. He added they figure probably 10 to 12 people could occupy a 1400 square foot house. There are stipulations for the way the house is laid out—you cannot go through a bedroom to get to another bedroom and each bedroom must have at least one window.

Ms. Hensley asked if there are any other zoning regulations that relate to rooming houses or boarding houses and are they different. Mr. DeCamp explained that is something he has looked into for a long time and explained in his estimation it has to do with having locks on the doors. He stated boarding homes are allowed in the R-3 zones. He stated several years ago there was a house on Euclid Avenue where they had to remove the locks and it was not in the correct zone. Mr. Stamatiadis asked if Code Enforcement could indicate it is a boarding house. Mr. Jarvis explained if they find one with individual locks and numbers on the doors they notify Building Inspection of a zoning violation. But, usually, they find 10 to 12 people living in a single-family home with no locks on doors. Dewey Crowe explained Code Enforcement has always referred any of those they find to Building Inspection and noted this time of year when the student population returns they get many complaints about boarding houses. He stated most of the time

it involves kids living there as a big family. It was noted boarding houses first came into play in the R-3 and R-4 zones (if a single-family home they may have four boarders); in the R-1 zone you are allowed to keep two boarders.

Mr. Meuser asked what is most effective in terms of enforcement of the penalty process with Code Enforcement and Building Inspection. David Jarvis explained normally, if they cite a piece of property, the owner is given a time period to comply. If they do not comply Code Enforcement issues a civil penalty. He added if the home has life safety issues they will condemn the property, board it up if they need to and disconnect the utilities. He explained they have an administrative hearing officer and that program is working well for their office.

Dave Barberie explained Code Enforcement transferred to the civil process approximately fifteen years ago. Prior to that cases were handled in District Court as criminal matters. He added some of these cases could be taken to criminal court but those cases are issued fines and sometimes the civil penalties are more than the criminal fines. The fines issued by the current ordinance for a nuisance violation range from \$10 to \$500. Code Enforcement uses the civil process and the progressive penalties can be up to \$1,000 for each event. He noted the government can foreclose on properties with numerous liens on them and in order for civil fines to work they must be levied on the property owner.

Mr. Meuser asked Dewey Crowe about the primary enforcement used by Building Inspection. Mr. Crowe explained Building Inspection's primary enforcement has always been through the District Court civil complaints and getting fines for violations. He added they also have access to civil penalty process similar to that of Code Enforcement and theirs is also a progressive type fine. The property owner also has the right to appeal to the Board of Adjustment and if it is something Building Inspection thinks could be resolved by that action they let them do it. If it is something BOA will not approve Building Inspection begins immediately with fines and the court process. If it is an issue concerning use of gravel in the backyard it has been their position to let them seek a remedy from the BOA. If it is something the BOA will not approve then Building Inspection will go after them in the court process.

James Branham explained the Division of Fire's position is similar to that of Building Inspection. KRS allows the owner to appeal to the State Fire Marshal and if Fire is not satisfied they take it to District Court. Ms. Hensley asked what happens if Fire learns of a life safety issue (not reported by a tenant or another branch of government) what action do they take. Mr. Branham stated if it is a Fire company that reports a situation they go to the address and ask for permission to enter the structure. If Fire deems a life or fire hazard exists they have the authority to go forward. Ms. Hensley asked if someone outside that realm of referrals notified the Fire Department would Fire have the authority to enter; Mr. Branham said no, unless they could articulate their concerns to a judge.

Jeff Haney explained the code that Fire deals with on existing buildings stipulates anything over three family members living in a residential home is considered a boarding home or lodging home. Then the code changes quite dramatically, at that point, as far as fire safety requirements and it is Fire's jurisdiction. He added they are not always aware of those situations and that is a big problem. Jeff stated they could knock on doors and check but manpower limits that. Ms. Hensley asked if they ever do sweeps and he noted they go to the campus (similar to Code Enforcement's sweep) but they must be very careful—they cannot target the campus area and leave the rest of the city out. Generally, they do not get invited in; if there is a common area they can get in.

David Barberie stated there is an administrative search warrant, from a procedural point, you must have compelling evidence to submit to a judge that you have a valid basis to go in to perform whatever kind of inspection you need. It is fairly uncommon for the government to need to get one of these. He said on one occasion the city did get one—a house fire occurred and it had approximately twenty years of newspapers and magazines in a hallway and when Fire responded it was the opinion of the fire chief that he was not going to send his people back into the structure again if there was a fire. David explained based on their testimony District Court issued a court order to abate the nuisance. Linda Gorton asked if someone did a follow up on this case and Mr. Haney explained this was before Judge Bunnell for a number of years.

Mr. Meuser asked David Jarvis if, when doing sweeps in the older neighborhoods (some rentals are 100 years old), is he encountering issues related to the infrastructure in terms of the sewer systems, storm water, or those kind of issues. Mr. Jarvis stated they do not have the expertise in those areas, but if they see something blatant like debris from water run-off, commodes backing-up, wash-outs in backyards they do notify the Division of Engineering or the Health Department. Normally, he explained, their concern is with life saving issues (windows, doors, smoke detectors, etc.).

Mr. Meuser asked Mr. Jarvis, in terms of what is available to you, how well are you able to deal with the trash. Mr. Jarvis explains that depends on certain times of the year; sometimes it is overwhelming in the U.K. area. He stated they are getting ready to go into the "Game Day Task Force" this week to deal with issues in the U.K. area, particularly trash. He noted a lot of people living in a small area are not easy to deal with.

Mr. Kelly asked David Jarvis if he should see a house with trash all over the yard and on the front porch where they have had a big party and he calls Code Enforcement, what would be the time frame involved. Mr. Jarvis stated he would send an inspector immediately and cite. He stated if there are more than three violations within one year there is an automatic civil penalty, and they can abate or issue a citation; they have 14 days to comply. He added some homes have 12-15 violations now and the penalties range from \$500 to \$600 per incident.

Mr. Kelly mentioned the 14 day mediation period and noted if he sees someone throwing trash out the car window he can report them immediately, but if they throw trash out the front door we have to wait fourteen days for it to be picked up and by then it has blown into the next county. He asked if there is any mechanism to deal with a nuisance like trash more quickly than 14 days. Mr. Barberie stated in normal cities the current structure would have to be reversed in order to address that. He added emergency abatement is available if interpreted that a serious health and safety problem exists and if not corrected could cause some bodily harm. Mr. Roberts asked if there is a critical section that deals with this; Mr. Barberie stated as far as littering in your own front yard, he didn't know. David Jarvis explained they do deal with twenty-four hour clean-up notices for certain things like diapers and foods. They abate and send notices. Abatement is neither appeasable nor cheap.

Ms. Hensley asked about fraternity and sorority houses—how often are they inspected. Mr. Blanton stated they inspect on-campus housing once a year and off-campus houses must submit a documented written fire inspector's report annually (in the fall).

Ms. Hensley mentioned game day and asked if Police have the authority to cite for front yard parking. Mr. DeCamp stated that approximately fifteen years ago someone said we are going to ticket every car parked in the front yard. He explained it was like the French Revolution. Also, he noted in his area they charge for parking, making it a business. He said he tried to do everything he could to stop this. Ms. Hensley asked if people had been notified of the illegal parking. Mr. DeCamp stated they had been notified by neighborhood associations. It is a city regulation and they are not supposed to park in front yards. Ms. Hensley asked if they could be notified again, possibly by letter from the Department of Law to the property owners that they are in violation; she thought it is something the city should do. Mr. DeCamp doubted it would stop the parking.

Ms. Hensley asked if a building is a non-conforming use (doesn't fit into R-1 zoning) and there are abatement problems, does U.K. ever get involved through their charter. Mr. Blanton noted U.K. has no control over their charter from their fraternity. He added we could say they don't exist but they would still exist—they just would not be registered with U.K.

Ms. Hensley asked if you have a non-conforming use where a fraternity has various safety problems and been boarded up, is there a point where they can no longer fulfill the terms of a non-conforming use. Mr. Barberie stated he does not do zoning so he did not know. Dewey Crowe explained if a non-conforming use is abandoned for twelve months or more it is subject to loss of the non-conforming use. If determined that a fire or something else has interrupted the use of it, as long as they can document they are trying to show a good-faith effort during that twelve month time frame, they might get it extended.

Mr. Meuser explained that many fraternity houses are there with conditional uses granted by the Board of Adjustment. If there is a violation you can return to the Board of Adjustment and request that the conditional use be revoked.

Meeting adjourned at 5:00 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **October 29, 2008**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:10 PM.

Members present were Chairman Mike Meuser, Council members Linda Gorton, Dr. David Stevens and Dick DeCamp, Charlotte and Bob Boone, Craig Hardin, Tony Blanton, Robert Kesten, Nick Stamatiadis, Robert Brown, David Burton, and Council Staff Mary Tackett.

Guests present were Becky Mayron, Frost, Brown & Todd, LLC, Brenda Wells, Greater Lexington Apartment Association, and Shelia Pennington, Andover Management and Greater Lexington Apartment Association.

Minutes: Mr. DeCamp noted his name was omitted from the "members present" section of the summary of the August 13, 2008 meeting. A motion was made by Mr. DeCamp, seconded by Mr. Kesten, to approve the summary, as corrected. Motion carried unanimously.

Closing Discussion on Fact Gathering and Report: Mr. Meuser mentioned the last time this group got together they were doing on-site visits. The previously met with all the agency heads, and have had numerous discussions about the issues. He added he wanted to insure that there was not any additional information or people that any of the group wanted to gather or talk to before moving into some sort of discussion about how we will present this to the committee that charged this group with this responsibility. No one requested further information. Mr. Burton noted a lack of involvement of students. Mr. Meuser stated it would be helpful if Tyler Montell (UK Student Government President) and other representatives could be involved in the process of wrapping this up. He noted these same issues have been discussed by the Town and Gown Commission and asked if there were any suggestions for others from the student community that the members would like to hear from. There were no suggestions. Mr. Hardin stated he thought Tyler is the right person but it is hard to get the students involved. Mr. Burton noted there were three students on the on-site tour.

Mr. Meuser explained they do have a lot of information, reports and statistics that have been presented and suggested these be included as an appendix to the final report. He stated this committee needs to prepare a report for the Planning Committee that identifies the issues we see and give our recommendations about what, if anything needs to be done. Mr. Hardin asked if we were going to discuss these issues, because he felt, at this point, all they have done is fact find, and a lot of the information that we took in has been in the form of reports that just went into the file and they did not review it. Mr. Meuser stated that is why it is an agenda item and felt they need to talk now about what we think the problems are and what we can do about them. Mr. Hardin stated all of those reports should be discussed, point by point, because there were a lot of things, i.e., in the Penn State proposal that we had major problems with. He added we want to

make sure most of those recommendations do not go forward. Mr. Meuser explained the recommendations are the second element of any report that we would prepare, but the first thing we need to do for the community is we have to explain to the members of the Council and the rest of the community what we think the issues are and then move to the question of whether there are some recommendations specifically they are making to the Council about what to do about those issues. Further, he felt there should be some sort of a written document that they have all arrived at a consensus about. He stated he was happy to volunteer to do drafting, but obviously there is a need to discuss what this report is going to say the issue is. His personal view is the one constant in everyone we have talked to and what we have seen that the amount of density we have seen in these neighborhoods in terms of people in one place is driving most of the issues that the neighbors are feeling. He stated that is a product, in the view of the Law Department, that a single-family residence and the owner of that property wants to house students in that, there is no additional legal requirements that need to be met in order to go forward with that use of the property; that is his view of why we have problems in the neighborhoods.

Mr. Hardin suggested "behavior" would be the next issue and one of the major issues they need to discuss. Mr. Meuser asked what kind of behavior he was referring to. Mr. Hardin stated alcohol enforcement issues, mostly by residents, because he feels most of these issues that are coming up would not be issues if we didn't have some inappropriate behavior. He suggested then we would review the laws that we have in place and whether or not they are working; he noted there have been a lot of changes in laws and law enforcement just since this task force has been meeting. He felt this should be discussed. Mr. Hardin referred to the walking tour and was very surprised at how much better things were than what he had heard. He added he thinks the existing laws we have in place are, in fact, working. Dr. Stevens stated the overload of students is out of balance with permanent residents and this is causing many problems. He noted the Police Department does have statistics concerning arrests that they could provide to us.

Mr. Meuser stated he felt if there is some sensible balance of the uses—i.e., not all student housing, perhaps balance would be 50% student homes and 50% permanent residents. Mr. Burton stated there was a problem in the Bob-O-Link area but the residents and occupants worked through their problems. He mentioned the Ohio State situation where they cordoned off an area around campus making it for students only and, in their opinion, it was good because you have a lot of people keeping the same schedule, have some of the same values, etc. Mr. Hardin noted they called this "the university district" and there were small area plans and supporting documents and a lot of consultants involved in the plans. Also, somewhat north of the university district is also a transitional area where a lot of professors dwell. They used other strategies to try to control behavior and the university is very involved with what they call "an off-campus housing services office" with a director who is personally involved and they use their resident advisors that usually come from the dormitories. As these resident advisors become seniors they often wish to move off campus and the university actually employs them and they have block captains they actually put them out into the private property areas and the landlords cooperate with that. Ms. Gorton asked how Ohio State cordoned off the private property, or is it owned by Ohio State. Mr. Hardin stated a small area plan was done, perhaps by a planning group; it is similar to a historic district. Mr. DeCamp stated similar to H-1 they created a university area. Mr. Hardin stated it is a recognized district where they were proactive and the pursued items like women's safety, lots of lighting and allowed some retail development.

Mr. Burton explained the property owners, the university and the city defined the issues. Mr. Hardin stated the university keeps track, on a voluntary basis, all of the landlords and real estate agents, not just property owners, and they register with the Ohio State University and they participate in the program. The university actually promoted that and their student government was involved and had a listing where students rated the property; they used peer pressure, for instance if someone was having trouble getting a security deposit back, or other issues with property owners, they would help address those things. They also helped the students with the initial walk-through.

Dr. Stevens asked how they handled vehicle parking. Mr. Hardin stated they made it a separate taxing district. He noted after ballgames they had a special garbage collection and this area had more street lights. He explained they told them about our problems with ballgames and the burning of couches; Mr. Hardin said Ohio State people said they had to deal with burning vehicles. This was several years before and that is why they made the university district. It was noted there is a website—www.universitydistrict.org. Mr. Hardin explained the notes concerning their visit to Ohio State are available; he distributed these at the very first meeting. There are approximately six facets to this, Campus Partners was one of them and some of the community ambassadors where they do their own policing, but under housing services these are the things that they specifically did. These included:

- University operated the program.
- They kept files on all landlords that want to be in the program around the university.
- They provide listings of properties on OSU website and off campus housing available. That became a service for the university that they could promote.
- They host annual housing fair to educate students on the do's and don'ts.
- They assist students with move-in and move-out inspections.
- They help make sure that the units are in good repair and meet safety requirements, but do not report to Code officials. They report back to the landlords.
- Maintain a website for on-line off-campus housing search for all students. Faculty and staff can use that also.
- Produce and provide a ratings list of all landlords, voting on-line by students.
- Provide a lease check list. There is a legal clinic offered for free lease reviews.
- On-line roommate search.
- Sub-let listings
- Safety tips
- Hold regular luncheons with landlords to keep them informed of programs and create goodwill.
- They also have a ride-share and carpool listings and a few other things, again focused on safety.

Ms. Gorton noted she would consider many present as responsible landlords and realized they work with the students. However, some landlords do not work with students. She added it is all well and good for this committee to talk about the students "shaping up" and it did work with the Bob-O-Link neighbors, but she asked where was the owner of the house. She noted she and her husband own a piece of property that they rent to two students and they made it perfectly clear from the beginning they would not tolerate inappropriate behavior. Mr. Kesten noted they have a lot of enforcement tools and agencies already available and a lot of those are targeted towards landlords, they are the ones that get the code violations and citations because the law says they

can't go to the students. He stated they already have to deal with that and the issue is that we get so many of them with jurisdictions that either overlap, or maybe rather than having a blanket policy that have a real negative impact on their investment, because of the behavior of other landlords or students, maybe it would be better to determine how we can work at making these existing institutions be effective or more effective at controlling it. He said he thinks these are already being more effective. He added maybe some of these things are already in place that just aren't being used or could be tweaked to help a lot with the problem areas without adding a whole new level of legislation and bureaucracy and regulation.

Ms. Gorton stated someone mentioned Ohio State having a special taxing district and asked if they would support a special taxing district and pay higher taxes for control and help put more resources into a designated area. Mr. Kesten stated he was speaking for himself and his clients who own property and noted he would have to discuss with them how they feel, but he thought from what he has been told by some of his clients they would be willing to do something like an assessment or a higher tax to help improve the infrastructure and services in those areas. He added others may oppose any tax. Ms. Gorton noted some of the houses in these areas do not contain students, some are owner occupied. Mr. Hardin asked if they are saying the solution is to get rid of the students. Mr. Meuser stated if the landlords are housing the students then it is not unfair to ask the landlords to contribute to deal with the issues that the students create; he noted he does agree that the notion of concentrating whatever we are going to do in the areas where we know the students live is a good idea and the notion of saying this is where the students live and this is where we are going to direct our attention, whatever the solution is, has appeal.

He added he would remind the committee at the moment we have some areas that are not traditionally what we thought were where the students were that are now coming to deal with these issues. He stated he thought one of the things they must think about is what the impact might be of actually trying to do something in the area we might already know what the impact might be in other areas. Mr. Stamatiadis stated he felt the bigger problem is where you draw the line, at what point do you make this area a student area but the next block is not a student area. Dr. Stevens mentioned other locales with similar problems—noise, litter, drunkenness on weekends, deterioration of housing—and they created an ordinance which registers student homes, it is a rental licensing type situation for student homes only and if you want to rent to students you must register. If you register there is a nominal fee and inspections are required. In Bloomington, Indiana they are inspected every year—first two years in a row the owner must pay and the third year is free. This has been effective; every third house is a student home and they felt this brought balance to their neighborhood.

Dr. Stevens mentioned he represents the 5th District and people are really worried about student housing coming to their neighborhoods. It was noted this has been discussed at Town & Gown. Mr. Hardin stated they conducted a small study themselves and one of the differences is in this community you are trying to reduce density. A discussion on landlords and density ensued. Mr. Meuser noted the conversion of single-family zoned into multi-family use is happening all over the city. Mr. Hardin noted there is actually very little R-1 zoned property directly adjacent to the university; it is almost exclusively R-2 and R-3 and there was previously R-4 and R-5. Mr. Meuser stated they were originally zoned R-1, but as the density of the use of those properties as multi-family increased the Comprehensive Plan, as it always does, was updated so his street was recommended to be R-3. He noted he is not talking about what is on paper, but about the actual use of the land for the number of people that are there and the supporting structure and infrastructure that is there to handle it. The city has recognized we have more

density in these neighborhoods and when they updated the Comprehensive Plan they recognized we often had properties demolished and redeveloped they recommended the property be R-3. He noted those properties were not built or developed as R-3 properties. Mr. Hardin pointed out that Zoning does now recognize that is their use and that is why people continue to invest. Mr. Meuser stated there is nothing to prevent them from buying a house in Chevy Chase and converting it to student housing, as long as they do not add a kitchen. Mr. Hardin asked what converting does. Mr. Meuser stated it means taking a family out and putting students in. Mr. Hardin asked Mr. Blanton the percentage of housing provided by the university. Mr. Blanton stated it is a little over 20% of the current students. Mr. Hardin said it should be well known and recognized by this community that 80% of the student population prefers to live outside of the university and it should be further recognized and very clear that they want to be within walking distance of the university. Mr. DeCamp stated his home is right across the street from a house that is rented by four students and they are within walking distance to the university but they do not walk to class and they all have cars. He noted they communicate with the student renters and keep problems at a minimum. Mr. Meuser stated it is in everyone's best interest to have these be good neighborhoods. He added if the students begin to view the neighborhoods where your properties are as being less up to standards than the neighborhoods where those other properties are, even if they are a little further away; we must stay competitive.

Mr. Blanton stated the reality is many of the students in the North Elizabeth Street area are Bluegrass Community Technical College students and they come in from all different parts of the state because they tell everyone they are going to UK. Typically the reason students go to BCTC rather than UK is because they are not as academically prepared, they don't have the money. Mr. Blanton stated the reason they are not academically prepared is some of them like to party and those places are well known party areas and the students who want to party that is where they want to live. Mr. Hardin noted they have come full-circle by talking about density and now we just finished talking about behavior. Dr. Stevens stated those two topics are inseparable. Mr. Meuser stated it is interesting to hear them say the problems they deal with is where there are too many people in one place at one time.

Mr. Hardin stated he thinks this Housing Task Force just in itself has already gotten the attention of some of our agencies and they have been enforcing things and he felt the walking tour proved that to us. He felt things were surprisingly well. He stated he has noticed a big change and is not having as much partying this year. Mr. Burton noted he has 350 students renting from him and probably 10% are outstanding—better than he could imagine and the rest are average and the other 10% are just there for the wrong reason; he noted you can pick out pretty quick who they are. He added you have to lean on them and he doesn't mind calling the Police when there is a party going on. He noted he believes the Party Plan has helped calm the party situation.

Ms. Gorton noted the absent landlords are the problem because they don't know what is happening on their property. She asked how we can deal with them. Mr. Hardin said those properties will more than likely be vacant next year because they are torn up. Ms. Gorton asked if there is a landlord association. Mr. Kesten mentioned the issues with absent landlords vs local landlords, and noted they still receive notices of violations. He suggested city-wide automatic notices being sent to the landlords so they can be aware of problem tenants if they are arrested so the landlord can then deal with them by issuing a warning or start eviction proceedings.

Mr. Hardin stated these questions are very good and noted they started the University Housing Association in 2001 and there are approximately 130 members in that group and probably represents about 75% of the property owners in and around the university, in varying degrees of involvement. He stated one of the things they recognize, if there is a landlord that allows behavior we do not think is appropriate, we don't want to be associated with them either. They would not encourage such a landlord to join the group. He added that was one of the things they liked about the Ohio State model where the university took leadership. Because there was natural market leadership with the student involvement, adding peer pressure and when there were problem properties they stand out because they are pointed out and the students recognize it. If the property owner is a problem for the community they are also a problem for the student.

Mr. Hardin asked Ms. Pennington from the Lexington Apartment Association what they do with members like this. She noted they do not treat students any different than anyone else; they treat them all the same. They have as many problems with other people as they do with students. If they are problems they give them 14 days to vacate. She noted it seems some of them do not like students in their neighborhood, so why would you think of placing students in every third house. Dr. Stevens said that was referring to single-family homes.

(There was a break in the recording of this summary.)

Ms. Gorton stated she felt it was a misinterpretation to say that we don't like renting to students. It is the behavior manifested when the density increases that is sometimes bad; she added North Elizabeth Street is pretty bad, but there are problems all over the city. Mr. Kesten asked if you do something to change the issue of student density in an area, what do you do to insure this does not make student ghettos. Dr. Stevens stated if an ordinance is passed it would apply across the whole community, and would be a gradual process.

Mr. DeCamp asked if there exists a special unit for off-campus housing; Mr. Blanton stated there is not. It was noted perhaps the university needs to develop a guide for students reference off-campus housing.

Mr. Meuser announced he and Dr. Stevens will draft a proposal for consideration at the next meeting.

Meeting adjourned at 5:35 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **November 26, 2008**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:05 PM.

Members present were Chairman Mike Meuser, Council members Dr. David Stevens and Dick DeCamp, Robert Boone, Craig Hardin, Tony Blanton, Robert Kesten, David Burton, Debra Hensley, Lisa Higgins-Hord, Bob Kelly, and Council Staff Mary Tackett.

Guests present were Charlotte Boone, Kriston Botello and Anna C. Swarts (First Place Properties), Christy Hruska (Frost, Brown & Todd, LLC), Judi Sparks, Columbia Heights Neighborhood Association and Marguerite Waddell, Hollywood Neighborhood.

Minutes: A motion was made by Mr. DeCamp, seconded by Dr. Stevens, to approve the minutes of the October 29, 2008 meeting. Motion carried unanimously.

Mr. Meuser explained there was no agenda for today's meeting.

Report to LFUCG Council Planning Committee: Mr. Meuser mentioned the draft report that he prepared over the weekend and suggested today they review the report, page by page, and get comments, additions or changes. He explained what he did relative to recommendations was he sort of bare-bones described some of the proposals that have either been advanced during their meetings or had been in some materials that have been supplied. He noted they could add to that list and stated he felt it was very important, if this report is going to mean anything to the Planning Committee, to spell out exactly what these proposals mean and how they are to be implemented and paid for. With that said, he asked if anyone else had a different view of the order in which we do things today.

First Page: Dr. Stevens suggested when the community college and technical college system gets started in the Eastern State area, it will affect more neighborhoods than those just around the University of Kentucky campus. Mr. Meuser asked Dr. Stevens if he should add something to the effect that with the relocation of that campus we may have additional neighborhoods that will be impacted. Dr. Stevens stated yes. Mr. Blanton stated they might also include the current problems that exist in the neighborhoods very near the circle campus of the University of Kentucky and Bluegrass Community and Technical College.

Second Page: No comments.

Third Page: No comments.

Mr. Hardin asked if this would be the only opportunity to submit changes. Mr. Meuser stated he is trying to establish an order by which we proceed, and what he just suggested was let's deal with the report first and then go to the recommendations and discuss those; he noted he was

November 26, 2008

certainly not adverse to someone coming in later suggesting changes. Mr. Hardin stated several people said they just didn't have time to look at the report and would like to add some comments. Mr. Meuser stated that is fine and suggested any additional comments should be brought to the next meeting where they can be discussed. Mr. Hardin stated he thought the report, in format, is very good.

Fourth Page: Mr. Hardin suggested adding a bullet list reference the Ohio trip; he stated he will bring that to the next meeting. He also mentioned the list of task force members; he questioned if Charlotte Boone is a member of the task force. Mr. Meuser stated he will confirm that, officially, and correct that if needed. Mr. Hardin asked if there were more students on the task force; Mary Tackett explained Tyler Montell was the only student actually appointed to the task force. Mr. Meuser stated the minutes will reflect that there were other students present at some of the meetings.

Fifth Page: Mr. Hardin referred to the first bullet point and suggested they might want to break that out because there are actually two items—the housekeeping issues and zoning. He thought zoning should be a separate item. Mr. Meuser asked why that should be separate; Mr. Hardin stated it is two items in one bullet point. Mr. Meuser stated all of the items listed are different laws; he asked Mr. Hardin if there is something that he viewed to be different about that question as it relates to zoning laws as opposed to these other laws. Mr. Hardin said no.

Mr. Burton referred to “Character of Land Use”, the sentence “It is undisputed that the conversion of formerly single family homes to student homes occurs now without triggering any government intervention or rezoning”; he stated that is mostly true, but he thought that gave the impression everything is “carte blanc”. Mr. Meuser stated he intended to convey was if you don't modify the building in any respect, if all you do is move a family out and move a group of students in, that is what he meant by conversion. He stated perhaps he needed to spell that out more clearly and stated he would add some language there to clarify. It was suggested changing “convert” to “change”.

Sixth Page: The reference to “Parking & Criminal Violations” was discussed and Mr. Meuser explained he would check further on the Lexpark enforcement capabilities. Mr. DeCamp stated he believed they are expanding as they develop. Mr. Meuser stated he thought the most important distinction to make in the report is he thought the perception in the community is that Lexpark has been very effective since they have come on board, and the fact that they are not involved in getting cars off the yards is a significant point.

Mr. Hardin referred to the fourth sentence on page six; he suggested changing “for years” to “many decades”. Mr. Meuser stated he would make that change. Mr. Hardin referred to “Land Use Regulations” and suggested something be mentioned there about recent infill and redevelopment restrictions or changes that are significant in the area. Mr. Meuser stated he intended zoning laws to include all the zoning laws, i.e., Historic Overlay, Infill & Redevelopment, all the typical residential zones, all the side lot requirements, height requirements and everything that is in the zoning ordinance. Mr. Hardin then asked if it would make sense to mention all of those, because there are multiple zoning laws and things taking place in the area that definitely effect student housing. Mr. Meuser asked if Mr. Hardin proposes that they list every zoning law that could have any application. Mr. Hardin stated he felt like the ones that are the biggest; he stated Historic and Infill and Redevelopment was designed to stop a lot of the “vinyl boxes” on

the back. Mr. Meuser said he tried to address that in "Density and Its Impact" on page nine, fourth line, where he said "Local historic districts in some university neighborhoods and the infill ordinance have both created a measure of indirect control on density by limiting the size and capacity of additions to existing houses." Mr. Hardin stated he was satisfied with that.

Seventh Page: Mr. Hardin stated he will have several comments later on some of the things, in general; this is where we felt like the report started to take a tone that the entire Task Force was in agreement that all of these things were problems that are mentioned in the report. He added it carries on into page eight and there may be some on the Task Force that feel that way, but there are others that did not and he will try to be clear on that the next time they meet. He stated there are several times the report states "the Task Force views" as a blanket statement, or "the Task Force believes" as if it is everyone, so they will have some objections to some of those references. Mr. Meuser stated when they get to those points and do have disagreements about them, we will need to vote and decide what the majority view is. Mr. Hardin referred to the fourth paragraph Mr. Meuser mentioned "it was the view of several neighborhood members of the Task Force" noting he felt that was appropriate.

Mr. Meuser stated to the extent we have made conclusions what the Task Force views as a problem, or a conclusion, he suggested they try to be specific about those things they disagree with and then they will vote on those at the next meeting. Mr. Hardin stated he felt like he will be a minority on this Task Force and wanted it to be clear that there were some differing views. Ms. Hensley asked if all of the minutes will be included with this report; Mr. Meuser stated they would be. Mr. Meuser stated with respect to the question of enforcing existing laws he felt the entire exercise they engaged in and getting all of those people in front of us and asking the questions, was to measure that against our own experiences and try to gage their responses, whether they think they are able to enforce those laws adequately, and whether we think they are being enforced adequately and try to reach some conclusions about that, so the Planning Committee has some direction about that issue. He noted since this began it seems that has been a fundamental issue that exists relative to doing or not doing something else. He noted his view is that it is very important for the Task Force to weed through everything that we have gotten and try to point out to the Planning Committee those things which we think are supported or not supported by the evidence. Mr. Hardin stated he would be specific at the next meeting. Mr. Meuser stated he is not disagreeing with Mr. Hardin, but this is the one area where he feels they need to say as much as they can about what we got into and what we think.

Eighth Page: Mr. Hardin referred to the third paragraph "the issues about separate locks on the interior doors" he thought that was not a complete definition of what a boarding house is. Mr. Meuser stated he took that from the minutes. Mr. Meuser stated there was a reference of checking the common kitchen area for separate locked cupboards as an additional indication of a boarding house, but he started and premised his whole basis for doing anything about it on whether or not the interior doors had separate locks. Mr. Hardin stated he would call Dewey Crowe to confirm that. The actual ordinance was mentioned and Mr. Meuser stated Boarding House is a conditional use in a R-3 zone and requires the approval of the Board of Adjustment; there is a definition.

Mr. Blanton referred to paragraph four relating to fraternities. He stated what he reported was that he had no accusations or evidence that they are violating the law (the organizations that are

non-conforming). Mr. Meuser stated this question deals with fraternity houses that we all know have been approved as non-conforming uses in residential zones and which you know exists off campus and he believed in the minutes where this was reflected was Debra Hensley brought up the question of what does the university do if, for example, a fraternity house that exists legally on Aylesford Place is doing something wrong; the gist of what the minutes reflect is you said if they are off campus. Mr. Blanton stated that is not the case, at all, and he would not have stated that. Mr. Meuser said we certainly want to get it right and asked what is the university's position about those. Mr. Blanton explained registered student organizations they can regulate their conduct wherever it occurs. Whether it is in Lexington or anywhere. Mr. Meuser asked if they do that through the Dean of Students office; he replied yes. Dr. Stevens asked if fraternity houses are registered. Mr. Blanton stated they are all registered.

Ms. Hensley noted there are two issues involved—conduct and condition of the facility. With conduct you do have phone calls about parties, etc., but the actual condition of the facility and it going into various stages of disrepair, even going into condemnation, are not within your regulatory authority or desire. Mr. Blanton stated to a certain extent, yes. He explained they require any registered organization to supply them a report each semester from the Fire Marshall that they have been inspected. Mr. Meuser asked if student conduct is the focus of their regulation; Mr. Blanton replied yes. Mr. Meuser then said aside from maybe asking for a certification about the safety of the facility on an interim basis, any conduct that does not impact directly on the student code is not the university's concern. Mr. Meuser asked if the place has trash in the yard and that is a violation of the local ordinance related to trash, that would not be something they would deal with. Mr. Blanton stated that would be something he would deal with. Ms. Hensley asked if there is something in writing that shows what that authority is, that we could add as an appendix. Mr. Blanton stated they do have a Student Code; Ms. Hord explained it is also on their web site. Mr. Blanton stated the worse thing they can do to any student organization is withdraw their registration with the university; that means they are no longer recognized by the university, but that does not mean they can't continue to operate in the city. Mr. DeCamp asked what is the advantage of being registered with the university; Mr. Blanton stated they get to participate in all the university events and they get to reserve space on campus. He added they have had "under-ground" fraternities in the past, when their registration has been removed they continue to operate and he explained they do not want those. He stated they cannot close down a house; he added they do not have the authority to do that. Mr. Meuser stated if they withdrew their registration the premise of their conditional use in a residential zone, which is they are a fraternity, would come into question because they are no longer recognized by the university. Mr. Blanton stated it has never happened before. Dr. Stevens asked what would happen if you have a fraternity on campus and they rent a house for the use of the fraternity brothers; Mr. Blanton stated if the organization is renting the facility, meaning they are paying for it, then it is under the university's control; if it is just rented by a bunch of different students, individually, they have absolutely no control over that. Mr. Meuser asked if there is a reason the Triangle Fraternity has not been requested to vacate the house on Maxwell Street. Mr. Blanton explained they do not have any authority over whether they live in that house. Mr. Meuser asked if that is because they are not registered with the university; Mr. Blanton stated they are registered with the University of Kentucky and Triangle owns the house. Mr. Meuser asked why they cannot regulate their illegal use of the house; Mr. Blanton stated no one has been able to show him how that is illegal. Mr. Meuser stated you can see it is a fraternity house; Mr. Blanton stated he can see that there are fraternity members who are living there and the fraternity owns the house. He

added he is not saying that is not the case, what he is saying is no one has shown him that they are using that house in anyway that is different from the way it is zoned. He stated his understanding of the zoning is that they cannot put up a sign. Mr. Meuser explained you cannot have a fraternity house in a residential zone unless you have Board of Adjustment approve it as a conditional use. Mr. Blanton questioned the definition of "fraternity house". Ms. Hensley stated it is included in the zoning laws. Mr. Blanton stated the city denied the conditional permit and asked why the city hasn't taken any action to close that facility. Ms. Hensley asked whose responsibility it is. Mr. Meuser stated it would be very helpful to flush this out and perhaps he and Mr. Blanton can discuss this further.

Ms. Hensley asked Mr. Blanton if there are measures in place where you have a certain number of times before you take more serious action, i.e, do you give them a sanction, do you go through a process; the other question was do they ever contact their charter. Mr. Blanton stated they notify their headquarters with every incident. Ms. Hensley asked if those records are available to the public. Mr. Blanton replied they are not—they are disciplinary records.

Ninth Page: Mr. Burton mentioned the statement "the Task Force believes there is a direct correlation between the ratio of the number of student homes to owner occupied homes in any neighborhood and that as student homes become the predominant land use in the neighborhood, the scope and frequency of problems related to student housing increases". He felt this needs to be changed and the matter voted upon. Mr. Meuser stated if the group does not have a unanimous opinion about something then they need to vote on it and determine if a majority of the Task Force believes it to be true. Mr. Meuser asked if anyone present does not believe as student homes become more predominant in the neighborhood, the scope and frequency of problems related to student housing increases. Mr. Burton disagreed. He mentioned the Bob-O-Link problem that an owner had with her neighbors; density was not an issue in that case. He mentioned Kalmia Avenue which is virtually all students and when people look at these and ask what is the problem—the people there are well behaved—there are issues ever so often but nothing major. He added they find a lot of issues when you try to mix family and students, one next to the other, and that's when the problem escalates.

Mr. Meuser asked if anyone else disagrees with the statement, as written. Craig Hardin said he did; also, he had a written statement from Dick Murphy. Mr. Meuser said he is talking about Task Force members. Mr. Kesten stated it seems everything in the report gets away, at this point, from being a factual report to being a statement.... Mr. Meuser stated it is a statement of opinion from the majority of the Task Force.

Mr. Burton stated this would be the issue that needs a fair amount of discussion. He stated density has been mentioned at every meeting but never heard the proof that it is the problem. Mr. Kelly stated the problem could be density on a particular lot; if you have have too many students occupying what was a single-family residence it creates problems. If you have a higher density of R-3 or R-4 apartments there probably will be no problem. Current studies show the healthiest neighborhoods have a mix of people in them. He added he does not know if they should require a majority vote. Mr. Meuser noted a variety of people make up this Task Force (university officials, council people, etc.) and stated the reason he asked the question who does not agree with that is that if everyone on the Task Force except three landlord members agree with the statement, he could say it that way. Ms. Hensley noted there are so many different examples of this; single-family homes where one person owned and lived for 70 years, and it is

sold and now twelve people live there; that becomes a problem that did not exist before. Mr. Hardin stated he thought it was what you view the definition of "the number of problems related to student housing"; if you view that to be a problem then this statement is true. If you do not view it to be a problem then this statement is not true. Mr. Meuser stated the reason he used the words scope and frequency is that he specifically had in mind the twenty-five years he watched his own neighborhood and when he had a landlord tell him it is more difficult to rent property in ~~that~~ neighborhood because of parental concerns about what goes on there after 5:00 PM and how safe it is for their children, it is the predominant land use—student rental—that causes those concerns. He stated in his mind, whatever the solution is, and we are not there yet, it is in their best interest that these continue to be safe, stable neighborhoods for your properties. Mr. Kelly stated there is no on-site management and trying to park eight to ten cars on a residential lot adds to the problem.

Mr. Meuser stated the reason he included the reference to the Red Mile and South Broadway Corridor is, if everything that has been rezoned is built over there, it will have a dramatic impact on the amount of student housing that close to campus. He added if what we want to do is suggest where additional high density student housing like that is developed, he agrees that is fair game for them. But, if you look at the existing land uses and what is available, the Warehouse District is where it is; once that is gone you have only the Red Mile. Ms. Hensley noted it is an important issue; she added students now want to have more amenities. Mr. Hardin stated they want to be in proximity to the center of campus. The question of the university's interest was mentioned; it was determined that would be discussed later.

Mr. Meuser stated he would prepare a revised draft of the report and asked members to have a list of anything else they want changed or added so it can be considered. He stated anything that could be sent to him before the meeting would be helpful.

Adjournment: A motion was made by Mr. Blanton, seconded by Mr. DeCamp, to adjourn the meeting at 5:08 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary **Student Housing Task Force** **December 10, 2008**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:00 PM.

Members present were Chairman Mike Meuser, Vice Mayor Jim Gray, Council members Dr. David Stevens and Linda Gorton, Robert Boone, Craig Hardin, Tony Blanton, Robert Kesten, David Burton, Debra Hensley, Lisa Higgins-Hord, Bob Kelly, Tyler Montell, Nick Stamatiadis, Robert Brown, and Council Staff Mary Tackett.

Guests present were Council Member Elect Diane Lawless, Charlotte Boone, Kate Savage, Columbia Heights Neighborhood Association and Marguerite Waddell, Hollywood Neighborhood, and Jantzen O'Neal, UK Student Government.

Minutes: Mr. Meuser suggested a correction on Page 6, line 7, to change "that" to "a". Mr. Burton requested an addition to the minutes on Page 9 in regard to the Density and Impact statement. A motion was made by Dr. Stevens, seconded by Craig Hardin, to approve the minutes of the November 26, 2008 meeting as amended, and to attach Mr. Burton's additional comments to the minutes. Motion carried unanimously.

Mr. Meuser explained there was no agenda for today's meeting but there are three things that they needed to do:

- Review the changes that are now reflected in the revised draft (which was sent to each member); he noted those changes were tracked so they could see what they were.
- He noted he believed they need to give Lisa Higgins-Hord and Tony Blanton an opportunity to explain the additions that were made relative to the Code of Student Conduct and the Housing Statistics.
- They need to review Craig Hardin, David Burton and Robert Kesten's memorandum about proposed additions to the report.

He asked if that was acceptable to everyone; there was no opposition.

Revised Draft: Mr. Meuser mentioned the revised draft and other than the changes reflected by Tony Blanton's and Lisa Higgins-Hord's additions, he asked if there were there any other revisions which he had made to the report that needed to be discussed.

- Mr. Brown referred to page five, last paragraph, line five; remove the first "is" from the sentence (grammatical error).
- Mr. Brown referred to page 3, last section with bullets, bullet #3 "Up zoning the areas adjacent to campus" and asked for clarification. Mr. Hardin explained that was in reference to increasing the density around campus. Mr. Brown asked if that could be rephrased. Mr. Meuser suggested changing it to "increase the density of zoning adjacent to campus" and asked if that would be acceptable; Mr. Brown stated it would. Dr.

Stevens suggested it be reworded to "changing zoning to allow increased density"; the group found that to be acceptable. Ms. Hensley noted this was the same terminology that Mr. Hardin used in the initial memorandum that they received. Mr. Meuser stated that is where he got the information.

Enforcement of Existing Laws: Mr. Meuser explained this was initially brought up by Ms. Hensley when she asked Mr. Blanton about the Dean of Students and the university's ability to deal with violations by off-campus organizations that are physically located in the neighborhoods. At the point in the discussion Mr. Blanton mentioned that the Code of Student Conduct presently addresses what they can and cannot do. Mr. Meuser turned the discussion over to Mr. Blanton.

Mr. Blanton noted when they revised the Code of Student Conduct in 2005 they took this wording directly from the Ohio State University's Code of Student Conduct. He explained this is exactly what Ohio State is doing in terms of how they address student conduct off campus. He referred to a section of the document (A,B,C and D) noting those are the ways that they address individual student conduct off campus. He explained if it falls into one of those categories they can address individual student conduct. Further, for organizational conduct they can address any behavior by the organization that is forbidden in their Student Code of Conduct. So, anything an organization would do that would be a violation of their code, they can address that with the organization as long as it is registered with the university.

Mr. Meuser explained he and Tony talked today about the last sentence dealing with the zoning issues related to fraternity or sorority houses, the present zoning ordinance does list fraternity and sorority houses as a conditional use with the approval of the Board of Adjustment in an R-3 or R-4 zone. However, unlike a lot of other uses, there is no definition of fraternity house or sorority house in the zoning ordinance. He added that Tony's point is that whether you are reporting to the Board of Adjustment that someone has a fraternity house illegally or you are reporting to Tony that a fraternity is operating in violation of some existing law, it is difficult to know how to go about dealing with that if you do not have a proper definition.

He also noted they talked specifically about the present situation which is the subject of a law suit by his neighborhood association with the Triangle fraternity house corporation; they have purchased a house on Maxwell Street and claim it is leasing individual rooms in that house to the members of the Triangle fraternity but is not operating a fraternity house. He explained that is the parameters of what they were trying to address with this paragraph. Tony added that because it is not defined anywhere, there is the problem. Someone asked if that would be a boarding house; Mr. Meuser stated they discussed that at a prior meeting and the boarding house definition has to do with the manner in which the interior spaces of the building are secured; he added Dewey Crowe explained if they go into a building and see locks on individual rooms that is the red flag that it is a boarding house. Also, Mr. Crowe mentioned something about a locked cupboard in a common kitchen; Mr. Hardin stated it also had to do with cooking facilities in each room. Mr. Blanton explained he can charge an organization with a violation of the local laws; he can say they are running a fraternity house without a conditional use permit. They then say we are not running a fraternity house—where does it say in our local zoning laws that this is a fraternity house. Ms. Hensley asked if they are chartered as a fraternity and the address is that of a fraternity; Mr. Blanton stated that does not matter. As an example he stated there was another fraternity that had a house on campus whose alumni board bought a little apartment complex on

Rose Lane and they rented to their own members but they also rented to non-members; it was not being operated as a fraternity house, but it was owned by the fraternity. They were just doing it to make money. It was an investment property. Ms. Hensley asked about the fraternity on the 300 block of Aylesford. Mr. Blanton stated that is a fraternity and as far as he knew it has a conditional use permit. Ms. Hensley asked if they could still enforce conduct; he stated they absolutely could. He explained the "sticky point" with the Triangle group is it is hard to establish that what they are doing is against the law, because it is not defined in the law what a fraternity or sorority house is. Ms. Hensley asked even though they applied for it and it was denied; he agreed noting how can we say they are operating as a fraternity or sorority house when we have no definition of what a fraternity or sorority is. He stated there are differences in what they are doing there and what the other fraternity that has the conditional use permit is doing. He noted they (Triangle) do not have their recruitment events there, they recruit on campus, and they do not have a sign up anywhere. Ms. Hensley pointed out that they signed an application to apply for a permit to operate a fraternity and the local government denied it. Mr. Blanton stated that is correct. She stated there would be a public record showing that they identified themselves as a fraternity; she asked if that was not adequate for the university to enforce. Mr. Blanton stated that would not be adequate for the city to enforce it, because there is no definition of what does it mean to be a fraternity or sorority house. He noted they have a definition for a boarding house, a lodging house, bed and breakfast, but there is no such definition for a fraternity or sorority house. There is no definition of what it takes to be a fraternity house:

- Does it take the organization owning it?
- Does it take the organization owning it and then putting up a sign?
- Does it take them having recruitment events there?

Ms. Hensley asked if they contacted Chris King or anyone in Planning about this. Mr. Meuser stated when this first happened they filed a complaint with Building Inspection relative to it and they could not verify that there was a violation of the zoning ordinance. The reason they could not verify was there is nothing on the outside of the building to tell you that there is anything going on; the only evidence of a fraternity being there was their name on the deed because they bought the property and the fact that members of the fraternity are acknowledged in the law suit, which is now pending, are acknowledged to be renting individual rooms from the Triangle House Corporation.

Ms. Hensley stated maybe this group needs to make a recommendation. Dr. Stevens asked Mr. Blanton if the organization occupies a facility that is off-campus for the exclusive use of its members of the organization, then it could be considered an extension of their house and subject to the same rules as their primary house. He noted when he was in a fraternity they had more people than could fit in the house so they rented an annex. Mr. Blanton asked if the organization rented it; they did. He stated he would not have a problem if the organization rented it and used it for the usual purpose of a fraternity house. He would have a problem if it just so happened there were twelve people in a sorority or fraternity renting individually and happened to rent the same house, i.e., they got together and rented a house and they were all paying for it and it was going to someone who owned the house.

Mr. Meuser stated an interesting issue came up a few years ago at Town & Gown. He stated it was a fraternity on-campus dealing with the no-alcohol policy going to a street off-campus and renting a house and turning it into a bar. He noted in that instance the Dean of Students' office dealt with the situation. Mr. Blanton said he thought that was because the individual fraternity had rented that house. Mr. Meuser stated it points out the fact that there are technical ways to get

around what we are talking about. Ms. Lawless stated it sounds like under your definition the only thing they would have to do to get around it would be rent it in their own names.

Mr. Hardin asked what is the difference relative to enforcement that we are trying to get to here. Is it that you want to not allow an organization? He asked if the Code of Conduct is the same for individuals as it would be for an organization. Mr. Blanton stated it is. Mr. Meuser explained the violation they are talking about of local law is the violation of the zoning law that prohibits fraternities and sororities from locating in residential zones without the permission of the Board of Adjustment. Mr. Hardin asked what is the objection the university has, other than if they are breaking local law, you need to enforce that; are they doing anything else? Mr. Blanton stated he had no other reports that they have violated other laws. Mr. Hardin asked if there were behavioral issues could they deal with them on an individual basis as well as an organization, just the same under the Student Code of Conduct. Mr. Blanton stated if it was something covered under sections A,B,C or D. Mr. Hardin asked if those could be enforced. Mr. Blanton stated on individual conduct, yes. Mr. Hardin added then trying to go after an organization and the opportunity to revoke that organization's charter is not open to you. Mr. Blanton explained the organization is chartered by its national organization; they have a national headquarters organization in Indianapolis that is the head of all Triangle Chapters all over the country. They are granted a charter by that organization and the university registers them as a student organization at the university. This means, he explained, they get certain benefits:

- They can receive advice from staff people
- They are allowed to reserve space on campus.
- They are allowed to participate in home coming, Greek week, etc.
- They participate in the same recruitment process and their existence is advertised to incoming students.

Mr. Blanton explained the worst thing that the university could do, the most severe thing, would be to remove that registration and say we no longer affiliate ourselves with them. That doesn't mean they are not going to be chartered by their national organization. They can still live and operate in whatever structure they have, and this happens a lot and is not a good situation and not one that the university wants to be in. Once that organization is no longer registered with the university they have no control over them. At that point they rely only on the city. Mr. Hardin noted they would still have individual Student Code of Conduct. Mr. Meuser stated they would address individual behavioral issues, but that would not deal with the legal issue of zoning.

Ms. Lawless asked if the alcohol policy applies both on-campus and off-campus. Mr. Blanton stated if there is alcohol involved they can deal with them, both on and off campus. Mr. Blanton explained if they are not a registered organization and they have a party with alcohol, we can't do anything about it (organization or individuals). Mr. Hardin asked if a registered organization with people of legal drinking age (21 or above) is that allowed off campus. Mr. Blanton stated that is not allowed either and all sorority and fraternity houses are expected to be alcohol free.

Mr. Hardin asked if a student was under age could they apply the Student Code of Conduct just the same. Mr. Bolton explained he could not, only as it relates to A,B,C or D. He added just because someone violates the law off-campus, they do not deal with it unless they get a citation somewhere.

Ms. Gorton explained the point Ms. Hensley brought up about changes needed to the zoning ordinance. She recommended the zoning ordinance be changed to define fraternity and sorority houses because when they move in they will have to go to the Board of Adjustment and the neighborhood will be notified. Ms. Gorton made the recommendation to add the definition of fraternity and sorority houses to the zoning ordinance. Mr. Meuser stated if you think about the zoning law, this is a conditional use, so it has already been predetermined by the government that this is a use that requires notice, requires conditions that requires it being a privilege rather than a right and if we don't, with our net, snare everybody that is trying to get that privilege into that process, then we deny the neighbors the opportunity to be heard. Ms. Lawless asked if it would make sense to add to that, while we are doing it, a student organization of any kind. Mr. Meuser stated that is when we get back to defining fraternity or sorority. Ms. Gorton mentioned, as Debra Hensley had, that it is already in there as a conditional use but there is no definition for it, so its like half of it got left out of the zoning ordinance.

Ms. Hensley made a motion that a definition of fraternity and sorority be advanced to be placed in the zoning ordinance; this is a recommendation to be included in the report. Motion seconded by Ms. Gorton and carried unanimously. For clarification Mr. Meuser asked Ms. Hensley if the intent of the motion was that we would modify that last part to add this discussion we have had today. Ms. Hensley agreed.

Mr. Meuser asked Lisa Higgins-Hord if she wanted to make any comment about the change on the "Demand for Student Housing" section. She explained she took this information to Bob Wiseman, Vice President of Facilities, and also Ben Crutcher, Associate Vice President for Auxillary Facilities, they were both in agreement with the information that was presented. They only requested the numbers change "24% of students are housed on campus while 76% of UK students live off campus". Ms. Hensley asked the percentage or ratio of peer universities of similar sizes; Mr. Blanton explained that information is in one of the appendices in the power point.

Memo from Landlords (Craig Hardin, David Burton and Robert Kesten): Mr. Meuser asked for comments concerning their suggestions:

1. Highlights of the Ohio State Model: Mr. Meuser stated he had no problem with including their comments in the report. Ms. Hensley asked if this was to be included in the body of the report; Mr. Hardin stated they rewrote the information for inclusion in this report. Mr. Meuser stated it would be inserted in the body of the report just before the "Task Force Membership". A motion was made by Mr. Hardin, seconded by Dr. Stevens, to include Item # 1 from the memorandum in the report. Motion carried unanimously.

2. Enforcement of Existing Laws: Ms. Gorton referred to line six of this section "In addition, the following laws and ordinances are primarily enforced in student areas of the community". She questioned if we can show if this is really true that these laws are listed are not generally enforced in other areas of the community; she stated she knows for a fact that one neighborhood that is many blocks from campus has had many parties and is a "party plan". She suggested it say that generally they are not enforced, state it differently, or leave it out because she feels it is being enforced.

Mr. Meuser stated it is important that they all remember that we had a long meeting with the officials who are charged with enforcing these laws and a few of them provided the group with

statistical support for statements made. He added we all have to rely on the minutes and what we recall about what they actually told us. He stated he had issues with three statements here:

- That Code Enforcement and Fire inspections have traditionally been more strictly enforced in the university area. Mr. Meuser stated he did not recall being provided any evidence to support that conclusion. Mr. Hardin stated they did—Code Enforcement talked about how the university area had the first concentrated code sweeps and are on the fourth in as many as twelve to fourteen years in the university area, but indicated they have not done concentrated code sweeps in other areas of Fayette County. He stated he is not saying they are not doing them at all, but is saying it has been more concentrated in the campus area. Ms. Gorton said that sounds differently than “more strictly enforced”. Mr. Meuser stated the report already reflects that the Code Enforcement sweeps were discussed in the report and even referred to them as “have been effective”. He stated the question of whether we are more strictly enforcing the laws that Code Enforcement enforces is a different statement. Mr. Hardin asked if they omitted “strictly enforced” and put “concentrated”; he added they are trying to state what the facts have been, not making an opinion on the facts, just it has been more concentrated in that area—not whether it was needed or not, or deserved. Mr. Meuser suggested rewording as “Code Enforcement and Fire inspections have been concentrated in the university area”. This was acceptable with the group.

Ms. Gorton asked if they could return to her original mention of “are generally not enforced in other areas of the community”; she suggested that be struck. It could say “the following laws and ordinances are primarily enforced in student areas”. Mr. Blanton asked if the Keg Ordinance is a license and are the retailers supposed to do that? It was noted all retailers must do that. Mr. Blanton said he didn’t think that has to do with the university area, it is just everyone. Mr. Hardin noted it was brought in and directed at students around the university; so was the Lexington Party Plan which was originally the Campus Area Party Plan. He added they are trying to reflect that there are laws that have been brought about as a direct result of areas around the campus; he stated how they actually say that. Mr. Blanton stated if they are going to leave that in there, he had no problem with that, but to say it is only primarily enforced in student areas is not the case, because that is county wide. Ms. Gorton stated if she could add, as one who voted for both of those ordinances, they changed it to the Lexington Area Party Plan because we wanted it to be county-wide and if you had a house on Big Bear Lane that partied a lot, it is not near campus, so this would be enforced out there. They suggested “the following laws and ordinances are enforced in student areas.” This was agreeable to the group.

Mr. Meuser stated he had a question on the bullet about parking. He stated it has not been his experience that student areas are subject to close scrutiny for illegal front yard parking, and conversion or expansion of back yards into gravel or paved parking. Ms. Hensley said Police will tell you they are only scrutinizing those when there is a complaint, so those two words “close scrutiny” are incorrect. Mr. Meuser stated Debra’s issue of whether things are being done in a strict scrutiny fashion, but the other is that he has evidence of parking lots that have been created illegally that still exist and that is the opposite end of what they are saying. Ms. Hensley stated the bullet is lacking in the accountability of the property owners—it is as though the students are doing this. Mr. Meuser stated the bullet follows what we just agreed on as the preamble, which is “The following laws and ordinances are enforced in student areas”. He added he does not believe these parking ordinances are being enforced. Mr. Kesten stated parking regulations are grossly unenforced in the area around the university. Dr. Stevens stated he had a long conversation with Gary Means, Director of the Lexington Parking Authority, and it

was his (Dr. Stevens) expectation, when this got going, that they were going to enforce parking in the neighborhoods around the University of Kentucky. He explained the Parking Authority has no intention of doing that—the only ones they do in residential areas are those areas with parking permits, i.e., Market Street (restricted parking) and they expect the Police to do it. He stated the problem we have had for the years we have been involved with this, is the Police do not do it. Mr. Meuser reminded the group that they are talking about two separate parking issues:

- Illegally parking cars where they are not supposed to be parked.
- Creation of parking lots in violation of the zoning ordinance.

Mr. Burton noted these problems have increased in the past year or two. Mr. Meuser explained under the existing ordinance it is perfectly legal for me to take my grassed back yard and park it full of cars. We have also learned that when they get parked there long enough and it turns into mud and the normal inclination is to put something on that and that is how we end up with these gravel lots. He asked if there is another issue that needs to be addressed about creating parking lots in back yards, and do we have enough in the ordinance to deal with that, presently. Ms. Lawless stating you cannot park in the front or side yards but there is nothing about parking in the grass in the backyards, but you must have a permit and you cannot get a permit to put new gravel parking anywhere in Fayette County. Ms. Hensley said if one does put gravel parking down it is a zoning ordinance violation. There are other authorities with Historic Preservation and the Board of Architectural Review, but that is a separate issue. Mr. Meuser stated Mr. Lear pointed out at a previous meeting there are all sorts of requirements when you create a parking lot (striping, landscaping and other things that must be done). He added the gray area we are in is we have people arguably saying there is no parking lot. Ms. Hensley stated we should figure out what to do with this but the discussion Mr. Meuser brought up is a separate recommendation that we should possibly add to the report. Mr. Hardin requested striking the “Parking” bullet point, as he didn’t have a problem doing that.

Mr. Kesten referred to the bullet reference Keg Licensing Ordinance, and suggested changing “has prevented” to “intended to prevent”. This was agreeable with the group.

Ms. Lawless stated this is the time to address the issue that there is no method in the ordinances to keep people from parking in the grass in backyards anywhere in Fayette County, Mr. Meuser stated it could probably be in the “Enforcement Issues” section.

A motion was made by Dr. Stevens, seconded by Mr. Burton, to accept the listed changes to Section 2 of this report. Motion carried unanimously.

Interior Modifications: (Paragraph 4, line 6) Memo suggests removing that line or inserting “some members of” at the beginning of the sentence. “The Task Force believes that such interior modifications of student housing often occur without permits from the Division of Building Inspection.” Mr. Meuser stated his recollection of what he looked at that led him to this statement was when they interviewed Dewey Crowe they got into this question and they cited specific examples of where houses had the interiors changed, modified, or otherwise worked on that would require permitting where no permits had been issued. He added the statement he made that is reflected in the minutes is “that happens all over town with interior remodeling”. Mr. Meuser stated to him the question is whether it is an over-statement to say that often occurs without permits. Mr. Hardin stated the implication exists that it is happening more in the campus area than it is county-wide. Mr. Boone stated it probably is happening more in

this area than other areas. Mr. Hardin asked if Mr. Boone had any evidence of that, because he doesn't know that to be true. Mr. Boone stated he felt there are more housing modifications going on in the central university area. Mr. Meuser stated he would cite his own case studies: there are two houses adjacent to each other on Maxwell Street (records of Building Inspection show no permits being issued) one building is adding sprinklers and modifying the inside, but the other building is being chopped into (what he saw) multiple rooms and bathrooms being added. He explained the reason he saw it was he looked at the house (it was for sale) and then checked with Building Inspection and no permits were issued. He was relying in what he wrote on what Dewey Crowe told them. Mr. Burton asked if Dewey said there was a disproportional amount of non-permitted work being done around the university. Mr. Hardin stated there was no reference to that. Mr. Kesten stated it could not be known how much non-permitted work is being done because it is non-permitted. Mr. Mauser referred to Dewey's comment, if he says that is happening all over the county, the point seems to be relative to what we are about is that we have multiple students living in these buildings; it is not about him and his wife adding a bathroom in the ranch house in suburbia—we have eight kids living in these buildings and the question is, is there a significant departure from required law in the modification of these buildings. He added he had the impression from what Dewey told us that modifications are occurring here and in the suburbs, as you mentioned, without permits. Mr. Hardin stated he had the same impression, but not a significant amount, but you said "significant amount", and that is where he would differ. Mr. Meuser asked if they replace "often" with "sometimes". Ms. Gorton suggested taking the word "often" out and just say "it occurs" since we don't have a clue how many there are. Mr. Hardin mention Mr. Kesten's statement is correct, if they are unpermitted how do you get statistics on them. Ms. Gorton stated they could get a statement from Dewey saying either it is higher in this area or it is not higher. Mr. Hardin stated they felt the impression was there is a lot more unpermitted modification going on in the university area than other areas, and they disagree with that. Ms. Gorton asked what they base their feelings on and Mr. Hardin stated there is no evidence to prove that. Mr. Meuser reviewed the proposal from Ms. Gorton to remove the modifier and add an "s" to occur, so that it would read "the Task Force believes that such interior modifications of student housing occurs without permits from the Division of Building Inspection". Ms. Gorton stated if the question is asked if this occurs in other parts of town, it probably does.

Mr. Meuser stated Dewey told us it does. Ms. Gorton stated this committee is charged with looking at the problems that have occurred in relation to housing that many times is filled with students. She felt it should be left in and the modifier removed. Mr. Hardin noted later in the paragraph below they explained a little further and said that the majority of renovations do not occur without building permits. Mr. Meuser stated there is no evidence to prove that. Mr. Hardin stated it says "the landlord members of the Task Force believe..." and it is an opinion just like the other opinions. Ms. Hensley asked if they would have a problem if they said "The Task Force believes that such interior modifications of student housing occur without permits from the Division of Building Inspection". Dr. Stevens made a motion to change the wording in the report to "The Task Force believes that such interior modifications of student housing occur without permits from the Division of Building Inspection". Mr. Kesten suggested using the terminology "may occur" or "can occur" "do occur" but not "occur" because that would mean all the time, and that is not correct. Ms. Gorton suggested "have occurred". Vice Mayor Jim Gray asked about the voting protocol. Mr. Meuser stated the previous process was if the majority of the Task Force voted to put something in the recommendations, it went in. He added, to the extent there was strong dissent with one group (three of the land lord members disagreed) it is

reflected by some of the changes that have been made. Ms. Gorton stated she would like to see the Task Force agree on the wording and suggested since they know unpermitted modifications have occurred but do not know how many or how often, and suggested "have occurred". Ms. Hensley pointed out that Dewey Crowe stated they have occurred. Dr. Stevens changed his motion to "The Task Force has been advised by the Division of Building Inspection that such interior modifications of student housing have occurred without permits from the Division of Building Inspection." Motion was seconded by Mr. Keston and carried unanimously.

4. Density and It's Impact: Mr. Meuser mentioned this was discussed at the last meeting and he made some changes to reflect the suggestions that were made on that issue. He referred to those changes (see page 9 of the report). "The Task Force members (with the exception of three landlords) believe that there is a direct correlation between the ratio of the number of student homes to owner occupied in any neighborhood and that as student homes become the predominant land use in the neighborhood, the scope and frequency of problems related to student housing increases." He asked Mr. Hardin if his objection to this statement is that they do not believe there is any evidence to show a link between the number of non-owner occupied homes in a neighborhood and the problems that are associated with student housing. Mr. Hardin stated they raised the question for ratio would be there, but it would be there for any entity that you add; if you add anything to the equation, yes, that would mean the problems with that subject would go up. He added any class of people you might pick it would go up, but in proportionately, they did not think so. Mr. Meuser stated he picked the words "direct correlation" carefully, noting it is sort a self-fulfilling prophesy to say if you increase the density of land use you are going to have more problems associated with more people. Mr. Burton stated that part they probably would agree with, but disagree with the second part "...as student homes become the predominant land use in the neighborhood, the scope and frequency of problems related to student housing increases". He stated the determinant here is that you are mixing lifestyles of one group of people with another—that is probably where the conflict is coming in. He added not that there is a tipping point of 50% (once you hit 50% then you automatically have problems). Mr. Meuser stated this is the issue dearest to his heart, noting all you have to do is go to Bob Kelly's neighborhood and go to his (Mr. Meuser's) neighborhood, going the same way as they did on the bus tour and his neighborhood is on the presipus and Mr. Kelly's neighborhood, regretfully, is largely lost, but it is the overwhelming predominance of non-owner occupied housing that puts them in a situation where we have to have the Police lock down a neighborhood after a football game. Mr. Blanton stated then let's add "non-owner occupied" instead of student housing, because he stated he thinks it is rental housing, in general; even though this is the Student Housing Task Force he thought the statement we are making there applies to rental housing, not just student housing. Mr. Meuser asked if he changed it to say...that as "rental housing becomes the predominant land use in the neighborhood, the scope and frequency of problems related to rental housing increases." Ms. Gorton mentioned in response to non-owner occupied, there are many houses on Zandale Drive and Lowry Lane which are non-owner occupied but they each have a family in them; there are very few problems, so that doesn't quite catch it all. Ms. Lawless suggested "non-owner occupied with multiple residents in R-1 and R-2 zones." Mr. Meuser stated as the market has softened up a bit they are seeing more non-student tenants in these buildings. Mr. Burton stated at the last meeting they mentioned examples of streets where they are basically 100% student rentals, and some of those streets are not being cited as problem streets. He added there are streets i.e., University and State Streets were brought up as examples of where there is conflict, and there are examples where only one house on the street (Bob-O-Link) is making real problems for the whole neighborhood. Mr. Burton noted there are some streets that historically for 15, 20 or 50 years (like Kalmia where he has property) are all student rentals; people ask

what the problem is, but they are not sure what the problem is. He added some areas (Aylesford is 41 out of 45 properties). Mr. Meuser stated from his prospective having lived for 25 years a street away from Aylesford, Aylesford and Maxwell are the streets that most jeopardize his neighbor-hood, at this time. He added it is exactly because of the predominance of non-owner occupied properties. He stated it has changed in the last twenty-five years, slowly. Ms. Hensley asked Ms. Savage if she lives near this area and Ms. Savage stated she lives on Columbia Avenue, and it is changing constantly. Dr. Stevens questioned the statement that there are no problems on streets predominantly occupied by students, but he has ridden with Police in that area and he considered parties occupying the whole street—it looks like Bourbon Street at 2:00 AM in New Orleans—and he did not think that was a normal situation and just because there are only one or two people living there that are not students. Mr. Burton asked if you increase the percentage to 50% owner-occupied, would that change the equation and he feared that would cause more conflict rather than less. He added unless we have concrete recommendations as to the where students are going to go, and they may come into the older neighborhoods like Kenwick (where they currently are low density) he was afraid that is where they will end up. Mr. Meuser stated don't try to talk me out of this balance, because he lived on Linden Walk which is ½ block from the University of Kentucky campus for twenty-five years and the only reason he has been able to survive is because it has been roughly 50%-50%. He added he is down to about 30% now, but that is what has kept it going, and no body else is going to pick this stuff up and deal with these issues and do all these things if we are gone. Mr. Meuser stated we have to find the right way to say that so that it comes through in the report. He added he did not want it to be wrong, he wants the Planning Committee to understand what it is we are trying to talk about.

Ms. Mr. Hensley asked the landlords what it is in this paragraph that you find objectionable. She added they are kind of assassinating the entire thing. Vice Mayor Gray stated if we are asking the landlords to agree to something they feel they cannot agree with, but he stated the Task Force needs to acknowledge that these are business issues and these are market issues. He stated as a community we may not agree at the end of the day that these business issues are the prevailing community issues. He added, in terms of prevailing, and what he heard Mr. Meuser say is instinctively what he thinks is an issue as a community; his inclination is to be an advocate for that position. He stated he didn't necessarily think David or Craig would go to Council and say they don't like this and it is affecting our market, our expansion of our market, perhaps, but as a community we may have to say there are a lot of things in a democratic system that impact market, noting he is impacted every day in his business by constraints. Mr. Hardin stated there is something going on here and they are looking for ways to solve it. He added the issue is these have been predominantly student neighborhoods with close proximity to the university for decades. He added these have always been students. Ms. Gorton stated in 1979 they bought their house on Westwood Drive and the entire street, with a couple of exceptions, was owner-occupied. Mr. Hardin stated at that time Rose Street did not have a parking garage, it had houses. He stated Ms. Hale had student property all up and down Rose Street but now the university owns all of that, and those student houses are gone. He stated the students, wanting to be in close proximity to the university have moved further out, and so what was R-5 and R-4 apartment zones along Rose Street, there is still some existing high density zoning there, but it was all down Rose Street. Those are gone now and those students have moved in to the other neighborhoods and Aylesford is predominantly students, and Linden Walk. He added those people who bought those houses are going to be in Council chambers because of their investments. Mr. Meuser stated it is not a correct statement of history to say that these neighborhoods have always been predominantly student neighborhoods. He added when Mr. Hardin bought the

house on the corner of his street, after Mrs. Hamm died, and the whole neighborhood is checkered with that kind of acquisition and conversion into rental units. Mr. Meuser stated it is not correct to say it has always been predominantly rental; he added it has been a part of their lives since they lived there but it is not predominant. Mr. Hardin stated students have always lived in close proximity of the university. Vice Mayor Gray stated the ratio is the governing influence here, the ratio is the tipping point on it and permanent erosion has occurred. Mr. Burton stated when they look back at the notes and ask where did we discuss that, who actually documented that, it has been discussed from the beginning but we have not had an official from the city come in and document that. Mr. Meuser stated the reason we did not get a feel for it is these conversions happen without any record keeping by the government. He added there is no government law that is triggered when a building is converted, so where do they get the records; they would have to ask him because he is next door.

Ms. Lawless stated even though this is the Student Housing Task Force, we are trying to make sure we have a safer, healthier community, so if there is an objection to using the term "student" and one of the big issues is not that they are not just owner occupied they are rented to large numbers of people that those houses and neighborhoods were not built to accommodate. She added those are issues in Cardinal Valley and some other places, but we are doing it for the health and safety for students in the neighborhoods around; so, there are one or two neighborhoods that have become essentially boarding houses for large groups of people and the infrastructure is not there to support, no matter who they are. She suggested removing "student" and consider whether someone is a renter or homeowner, for them to be a responsible neighbor, we could talk about the density issue and how to solve that.

Mr. Meuser stated they were charged with dealing with problems related to student housing. Also, he stated he felt the task force has agreed, generally, that even from the landlords' perspective in proposing certain possible solutions to these problems, but it is a geographic problem that you draw a line around an area close to the university and say this is where these issues come up. He added if they can fashion something that is effective to deal with the problem right around the universities then that would translate into something that can be used in other areas. Ms. Lawless stated she is suggesting that one of the huge problems with the rental problems is not being used as these neighborhoods were originally built, i.e. a family of five or six vs. a hockey team. Mr. Kesten stated for many years these houses have been able to accommodate four or five students, but to maximize some of these additions and you get eight to ten people on a residential lot, there is not enough parking even if you pave the entire lot, to accommodate eight or ten cars. Mr. Meuser stated the need to compare the students; what has happened is, in 1974 was a house that five students could afford, you now must have eight students to pay the rent. Ms. Lawless stated if the property is in an R-3 zone there would be regulations about how many people could live in a unit and how many parking spaces you have. Mr. Meuser agreed, if it was developed new as an R-3. Ms. Lawless said no one thought about that when R-1 and R-2 was applied to these neighborhoods. Mr. Montell posed a situation of walking down the street, what would that look like if those houses were all of a sudden for sale and not rented to students; would it be the way it was or would we have new problems. Ms. Savage stated she lives on Columbia Avenue and as students are moving to the Red Mile area the houses they vacate are returning to owner occupied families, which will mean the landscaping is improved, the trash is picked up and the people come and go and there are not eight cars (sixteen on weekends). Ms. Waddle mentioned that the Kenwick area is constantly improving as families live there. Mr. Montell asked why are they leaving these areas, why are there no students in these areas. Ms.

Savage stated more modern accommodations are available. Mr. Montell stated it would seem to take a lot for a single family to come in and restore these houses; it would be very expensive. Mr. Meuser stated the problem they face as neighbors looking for someone to buy it, but the highest and best use of that property is to rent it to students, then I can't induce one of my crazy friends to spend \$400,000 to come live on my street. They are in a spin as far as what the market can do and what we can do. Mr. Hardin stated at the very beginning of this task force he posed the question what are the premise we need to suggest where students would go. He stated he was told that is not part of our task force recommendations. He added until that question is answered these problems are going to exist. He noted what Mr. Montell is trying to point out that if you take them out of these neighborhoods then you must answer where they are going to be. If you do that natural forces are going to dictate where the students want to be. He noted you can regulate a certain amount but physically students want to live, and he thought the university would want them to be, in close proximity to where the classes are. Mr. Burton stated Ohio University determined an area and created a university district and we are going to moderate what is going on here. Mr. Hardin predicted that if citizens continue to say "not in my backyard" then that is when Chevy Chase, for sure, will start getting more and more students. Mr. Kelly stated students can live where ever they want as long as Code Enforcement is regulated in our neighborhoods. Mr. Hardin stated he had no problem with that as long as the laws are enforced and people comply. Mr. Kelly stated the faculty and staff and anyone who likes living around the lively environment of the campus and downtown should have the equal opportunity to live there, as well.

Dr. Stevens stated at Penn State as student homes stopped being used as student homes, organization buys the house and puts it in land banks and rehabs it. They then sell the house only to a family that will agree to live there and they can reduce the cost of the house. Vice Mayor Gray asked if this would be a recommendation in our Infill-Redevelopment Task Force. He explained they put every idea to insure help for this situation. Mr. Meuser stated when they make their way to the end of this report, it has been our stated intention to list every possible recommendation, and we want to flush those out. He explained at the last meeting whoever has put something on that last page needs to be prepared to give us the details so that we can really tell the Planning Committee what we are talking about in the report. Ms. Hensley stated she has a lot of issues with the recommendations relative to saying things like "we should increase the density", etc., and she stated we probably would not have time to do that today. She stated she personally does not have any problems with the way that we went back and changed this, noting they might want to add rental housing in addition to students; she states she is not willing to accept these recommendations without a lot more debate on them. Mr. Meuser noted they are obviously far along into the evening.

Mr. Meuser asked Ms. Gorton when the January Planning Committee would be held. She noted it is inauguration day and will be a shorter meeting. It was decided the target date for presentation of this task force report to the Planning Committee would be at the February 2009 Planning Committee meeting.

Mr. Hardin stated as this task force proceeds it seems apparent that there are going to be some things that won't be unanimous. He asked if it would be better for them to write a minority report of some kind, and submit that in their own form, and make it an attachment. Mr. Meuser stated as a matter of parliamentary procedure he thought they have the right to submit anything that they want to be appendices to this report. He explained what he tried to do when he drafted this report was to take all this different information from any member and attach it. He added

the report needs to represent the will and general consensus of this task force; he explained it is really up to them, if they have specific objections to what has been drafted and you have had them, and you have had additions to propose and noted they would continue through that process but if in addition, or in lieu of that, you want to submit something to be attached to the report that represents your dissent from it, he felt they have the right to do that.

Mr. Hardin thought it might be easier. Ms. Gorton stated she would like to point out that we have worked together on a couple of the points to come to some agreement, so it might really benefit them before there is a majority report or attachments, to go through the rest of it to see if we can come to an agreement. Mr. Meuser stated he wanted to make a distinction between this report, which represents their findings about the issues vs. 'what the recommendations are to address the issues. He added, as the Vice Mayor just pointed out we need to list all the suggestions that have been made about possible solutions and the fact that we list them in the report does not mean, unless we say it, that we have endorsed any of those. He stated when we get to those things everyone will have their say. The main thing is when we list these proposals they need to be flushed out as much as possible so the Planning Committee really understands how they are supposed to work, in fact, to address the problem. He asked that they try to bring as much detail as possible to the next meeting and hope that we can get through those.

Adjournment: A motion was made by Mr. Blanton, seconded by Ms. Higgins-Hord, to adjourn the meeting at 5:35 PM.



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary
Student Housing Task Force
January 14, 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and convened at 4:05 PM.

Members present were Chairman Mike Meuser, Council members Linda Gorton, Diane Lawless and Cheryl Feigel; Robert Boone, Craig Hardin, Tony Blanton, Robert Kesten, David Burton, Dr. David Stevens, Debra Hensley, Lisa Higgins-Hord, Robert Brown, and Council Staff Mary Tackett.

Guests present were Charlotte Boone, Kate Savage (Columbia Heights Neighborhood Association); Michelle Ku (Lexington Herald-Leader), and Troy Johnson (Student Intern).

Minutes: Ms. Savage noted on page 10, second paragraph, line 1, "Mr." should be changed to "Ms." Hensley. A motion was made by Ms. Lawless, seconded by Ms. Gorton to approve the minutes of December 10, 2008, as amended. Motion carried unanimously.

Mr. Meuser explained he circulated the December 10, 2008 minutes and provided the latest version of the draft report, and Lisa's requested modifications, along with the updated housing report (power point).

He noted their previous discussions on density and its' impact and the phrasing he had put in the report about that. There was a very long discussion, as the minutes reflect, that did not resolve the questions of what the task force was going to say about that issue. He stated it would be fair to say that the landlords have one view of that issue, and the neighborhood people have another. There was no consensus at that point, but he felt we need to try to get the consensus on that issue, because he felt that in some terms, to be fair to all sides, it drives the question of what is a reasonable, possible solution to the problems they are dealing with. He added if it is not acknowledged in this report that density of student housing creates more of a problem, or different problems, then he doesn't think they will get there. He noted he welcomes additional comments on where we are, and asked if they read the minutes relative to that and the other matters.

Mr. Meuser stated he felt it would be appropriate, since we have two newly elected council members, and asked if they were officially replacing Dr. Stevens and Mr. DeCamp. Ms. Gorton stated it seems to make sense that they would be the replacements. Mr. Meuser asked if both Ms. Lawless and Ms. Feigel had an opportunity to review the draft report; they had not. Ms. Gorton stated because the task force is moving toward the end and expressed concern that they get up to speed on what has been discussed and the tour; she noted sometimes when you come in at the end of a committee you don't understand how we got to this point. Mr. Meuser stated he created an appendix that contains a group of related documents, as well as all of our meeting minutes; he stated he would have that hand delivered to them tomorrow. Ms. Lawless

stated she felt it was important that Dr. Stevens and Mr. DeCamp remain on the task force as official members, if they are willing. Mr. Meuser asked if there was anything the new members would like to say about these issues. Ms. Feigel stated she did not wish to make any comments at this time; Ms. Lawless stated she would like to make sure that whatever we do, we also take great care to find out why the existing ordinances are not being effectively enforced. Dr. Stevens agreed some of the ordinances have not achieved their intended results, but doesn't know if it is due to lack of enforcement or whether the ordinance is just not capable of achieving that. Ms. Lawless stated she felt that was a real important thing for us to investigate, as we move forward. Ms. Feigel stated many times cities enforce on a complaint basis, so if we are going to take a look at whether they are being enforced or not, we would need to find out which offenses had been recorded and which have been corrected. She added if they have been reported and they are still not corrected, then there is no enforcement; if they haven't been reported then perhaps enforcement is not an issue but maybe manpower is. Ms. Gorton suggested it may be a combined situation, both complaint driven and the sweeps.

Ms. Hensley stated there is another matter that is involved. She explained today she was talking with someone in Building Inspection regarding an on-going year old complaint where the property owner never received the complaint, but it opened up a discussion about how it was going to be resolved. In that discovery was something that never came up in any of the meetings; they had discussed a little about parking and what are approved parking surfaces and where you can park. She stated she was told by Building Inspection today by Pamela Brown (a building inspector) that people park in the yards and the back but they must park on approved parking substance; they cannot park on grass or mud. She stated they have seen gravel dropped and the property owner has been asked to remove it, so they remove it and the residents still park back there. She explained that is not something they can do. She stated this has been a major problem for many areas. Ms. Lawless stated Code Enforcement is charged with enforcing the ordinances that include parking in front and side yards, but not the backyard. She stated maybe Building Inspection includes back yards. Ms. Hensley said the ordinance does not specifically say back yards, but it states what type of materials (not gravel) may be used for parking places, and they must get permits for that. She noted that creates an opportunity to enforce something that does exist right now, but has been a major problem for the Aylesford Neighborhood Association and the Transylvania Park Neighborhood Association. Mr. Meuser explained gravel has been banned as an approved surface.

Ms. Lawless asked if a Code Enforcement officer would be allowed to go on private property to see if they have a parking violation; it was noted Code Enforcement could go onto the property but could not enter a dwelling without permission. Mr. Meuser stated the discussion brings up the question if these requirements are effective, even if they are being enforced. He explained he came across a situation where two houses adjacent to each other had the same trash laying there for months; he contacted David Jarvis who stated they cited them three times, they have been through the administrative hearing process three times, they have accessed the fines three times, and they pass them on to their tenants and they consider it the price of doing business. He stated that was the first time he ever heard that, so that is a situation where despite the fact that Code Enforcement is doing its job, they are citing, there is a hearing, a hearing officer is taking the time to listen and assess a penalty, they simply pay the penalty and we do not get abatement of the situation. He questioned why they don't deal with that as they do other unabated Code Enforcement violations by hiring a contractor to come in clean it up and put a lien on the property. Mr. Hardin explained they will do that for things like couches and refrigerators

(something sitting out that is not supposed to be); Mr. Meuser said they will not do it for just trash and rotten pumpkins, etc. Mr. Burton suggested the fines may need to be increased. Mr. Burton noted he had a situation with mud—a joint property owner and cars are starting to go through their back yard and up his driveway and tracking mud up his driveway; he stated at Christmas break he installed a fence to prevent them from using his driveway. Mr. Meuser noted the earlier mention that these are often complaint driven. He stated at the last meeting they discussed having owner occupied properties in the neighborhood, noting those are the people who complain; in a neighborhood that is completely student housing no one is going to complain, or if they do they are so overwhelmed by complaints that they can't be handled. He mentioned his own neighborhood, if he is there he is the person who drives that complaint process. He added, if the balance is tipped to the point that there are not enough owners around to watch what is going on, then you lose something from this density issue. Ms. Hensley referred to the point that David Burton mentioned you can have the diligent property owner calling and checking on it (as she has been for over a year) and the problem still exists. She stated everyone says they are doing their job but the problem is still there. She said you try to determine "where is the weak link here", and the various divisions have reasons why they cannot take action. Mr. Burton stated he agrees the home owner who lives there is always going to take better care by looking after their property. He stated what you mention may be true on campus, but it is also going to be true in other parts of the city where there is property for rent; that is going to be anywhere in the city where there are a lot of renters. Dr. Stevens mentioned a good example of an ineffective ordinance is the one referring to "family", noting it is hard to prove they are not related to each other (i.e., claiming to be cousins, etc.).

Ms. Hensley asked if they could return to the density issue and asked Mr. Meuser to summarize where we left this issue. Mr. Meuser explained he distinctly remembered the point of disagreement; that was many of the neighborhood people (like himself) felt that once you tip the balance in favor of student housing in a particular area, the problems associated with student housing become greater. He explained David Burton took issue with that, to some degree, and Craig Hardin certainly took issue with that. He added that got them into a discussion of underlying zoning to the point where Craig suggested we increase the density of zoning immediately adjacent to the campus, to be consistent with what we realistically have. He added his response to that was that most of the properties that are immediately adjacent to the campus are recommended for a higher density zone; however, the current configuration in terms of the building and the infrastructure is there. He stated his property may be recommended for R-3 but he does not have enough surface parking (if a new development) sprinklers—all the things he would have to have to comply with the existing ordinances. He added he thought this sort of leads us back to the question of how do we stabilize the situation in the neighborhoods that are in trouble and how do we look to the future for neighborhoods that may not now, but could be in the very near future, effected by all of this. Mr. Burton stated new developments (Angliana & South Broadway) will make the job easier for what we want to accomplish; less students spreading out into the neighborhoods. Mr. Meuser stated he had agreed for along time that increase in new housing for students helps, but the way he thinks about it helping is, it may bring down the price of the housing in the neighborhood where he lives to the point where he is not competing with you for its highest and best use. He stated the other phenomenon he noticed recently is that it is harder and harder to rent places, the worse landlords—the ones that care the least about their properties—are having the most difficulty renting their properties—so they are further deteriorating and when they do rent they rent to the lowest tenant they can find, maybe six guys that are just laborers. He added they are back to the issue of those who do and those who do not comply with these legal requirements. Mr. Burton stated in that situation, the worse scenario Mr.

Meuser described, or it could be they are punished because they don't keep their property up, so eventually they cannot rent it and no one wants to rent it, so the owner has to fix it up. He added there is a possibility the property goes down and cannot be rented. Ms. Higgins-Hord asked if something should be included in the report about the responsibility of the landlord and their responsibility with student housing. Mr. Meuser stated the wording should be "property owner". Ms. Lawless stated certainly the property owner is the one who is accountable in the ordinance. She mentioned the possibility of a subcommittee to do a parallel. Mr. Hardin stated she previously mentioned infrastructure and he wanted to point out that when a property is redeveloped the developer bears the financial responsibility and the infra-structure is then updated and that is taken care of, i.e. sprinkler system, fire safety, parking, etc. He added those all have to meet current codes, so when a property is redeveloped and rebuilt and they do come up to code. He stated the city came in about ten years ago, started putting in more and more historic districts because they want to regulate the way certain structures look; then we started saying now you cannot tear this structure down and it can't be redeveloped, you must work with what you've got—he noted that has made some of these things in infrastructure replacement more difficult. He stated he has not heard that mentioned; he knows it has been considerably more expensive for them to (and he has chose to because he has gone through twenty-three years of doing this) restore houses rather than tear them down because he liked the character of them, but that was a personal choice. He added he can tell the group it is a lot more expensive to go into those houses and redo them than it is to tear them down and build apartment buildings. Mr. Meuser stated there difference between an overlay and the underlying zoning issue. An overlay only controls the exterior modifications or demolition of those buildings; the question is, in the existing structures that are being utilized in a way that out- paces the original zoning, are those things being complied with. He added his impression in what they heard from Building Inspection and his own personal experience is, none of these buildings, typically, get those kinds of upgrades when they are converted from single-family houses to student rentals. They do not get additional surface parking that complies with any ordinance, they don't get sprinklers, fire alarms or smoke alarms; he stated Craig may be doing all of these things (if so, he commends him on that). Mr. Hardin stated they do get smoke alarms (required). Mr. Meuser noted the Fire Marshall told them, unless he is inside the building he does not know if that has been complied with. Mr. Hardin noted Code Enforcement predicted they have been in 85% of the residences. (Small portion of tape was unclear.)

Ms. Hensley noted the reality of our being here is because of these houses. They are being over-utilized and the systems cannot handle it. She stated it can be called "density" but we are not going to agree with statements of "increased density" or "decreased density". That is the problem. Ms. Gorton pointed out that the landlords on this committee are not the offenders. Ms. Hensley stated there are twenty four hundred R-1 and R-2 houses in this area and there are about nineteen hundred property owners. She added we have two or three here. Ms. Lawless stated she knows one property owner that lives out of state who has forty-three or forty-six properties in this area. Mr. Meuser noted as long as the definition in the zoning ordinance is established around the definition of single and multi-family, that is what you are stuck with. He added it was pointed out at some point in these discussions that other communities have tried to use density measures of some sort to redefine a certain number of people in certain square feet that you must comply with additional requirements. He stated the problem with those kinds of ordinances, as was pointed out even with redefining "family" is who is going to do the head count and how do you do it. Ms. Hensley stated our ordinances do provide some of this. She stated under R-1 A the ordinance says "keeping of not more than two roomers or boarders by a resident, except where accessory to a church, school....". Mr. Meuser stated that it says

"resident family" and that is recognized by Building Inspection to be a group of students. Ms. Hensley stated the originality of this, they did not intend for that to be the case. Mr. Meuser stated as one person living in a neighborhood where it is already converted, he must say that solves the problem maybe for people in Ms. Hensley's district, to the extent people are just now starting to do those conversions, if there is a new definition in the zoning ordinance, that addresses that. But, it doesn't in anyway help us. He added one of the recommendations they have already agree on is that we need to ask Planning to come up with a new, constitutionally, sound definition of family. Mr. Meuser stated there was a recent United States Supreme Court case where a city in Virginia did it; it was upheld by the Supreme Court. Ms. Feigel asked when they are referring to "density" is their concern the number of people living in the home, or how many people are parking, or both. They indicated both. Mr. Meuser noted with each individual that is added you get:

- additional vehicles
- more trash
- more furniture on the front porch
- more visitors in and out
- more difficulties with off-street parking
- more difficulties with on-street parking

He added when it gets to the point when student houses outnumber owner-occupied houses, you loose not only the ability to manage it, but you loose the people that help you manage it. Ms. Feigel stated she has gotten several phone calls lately from people living in the Henry Clay area and they are very concerned because students who go to Henry Clay are now parking up and down their street; she stated it occurs to her that we have become a society where one single family may own four or five cars.

Ms. Hensley noted that Ms. Lawless has aerial photographs from 2000, 2004 and 2007 where they actually are driving across the back yards (much like alleys) to get onto the street. Mr. Hardin stated parking seems to be the biggest problem. Mr. Meuser noted the biggest problem are the "life safety issues". Mr. Hardin disagreed noting the Code Enforcement sweeps have made a major difference. He asked where they want the students to go; they want to be directly adjacent to the university and the university has taken the high density zoning from one direction, and neighborhood people have passed historic zoning so the buildings will not be torn down and on properly zoned land where they could have built apartment complexes, etc., leaving no place for the students to go.

Mr. Meuser stated he would answer that for himself; he wants them to live in his neighborhood, in well maintained, safe, decent housing with adequate parking, in a proportion the neighborhood can handle. He stated if this group could accomplish that, he would be perfectly happy. Mr. Hardin stated his proportions needed to have been about thirty to forty years ago, noting the buildings had been there a long time. Mr. Meuser stated they have been there a long time but their use as student houses is in some cases as recent as the last few months, because the conversions continue. His point is, what he likes about his neighborhood is right now it is about 50/50, and if they could hang on to that it will continue to be a good neighborhood and he will stay, but only if we can deal with these other issues. Ms. Savage lives on Columbia Heights and the problems there are stuck on Park Avenue (she is in the next block); she added there is another aspect that is troublesome if you are a home owner; that is the transient quality of six strangers moving in every September. She added they might turn out to be nice people, then the following September a fresh group of strangers come; it is unsettling.

Ms. Hensley stated there are differences here and no one can predict when a catastrophe may happen. She added she would like to be assured by the city that it is a safe place. Dr. Stevens stated the Kappa Sig house was closed by the Fire Department. Mr. Blanton confirmed that to be true. Ms. Feigel asked if we could get statistics on number of calls for service in these areas. Mr. Meuser noted the Fire Marshall gave the committee a report (one of the appendices) on the number of campus deaths nationwide. It was decided this information would be helpful. Ms. Lawless stated health and safety is a major concern and we also want a community that welcomes and embraces students and at the same time keeping the integrity of our community and our neighborhoods which are vital to the success of the University of Kentucky being a top twenty facility in the future.

Mr. Meuser asked, in general terms, does this committee feel he should "beef up" enforcement section to include the problem of abatement. By abatement he explained it is a legal term that says you must undo something you have done. He explained they amended the ordinance to prohibit gravel as an accepted surface in 1998. He noted if someone has graveled their back yard in 2000 and we can prove it, do we all agree that property owner should be required to remove the gravel. It was noted permits are required if concrete or asphalt is being laid.

He added they identified on enforcement today, laws that are not effective, even if they are enforced. He said there was some discussion about some laws that may not be strong enough, but no specific examples. Ms. Lawless stated building without a building permit there is no fine. Mr. Meuser asked if there is a consensus that the number of people we are finding in one area with the student housing is creating the problems. He asked if there was a consensus on that. Mr. Hardin stated anytime there are more people there are more issues to deal with. Mr. Gorton noted downtown is more dense and we have more people living on corner of Main & Rose and down at the 500 (that is higher density than it was). However, she added if we ask Code Enforcement if their complaints have gone up there, she had a feeling that they have not. She stated she thinks it is a combination of density adequate provision for it—these places were built for high density. They were developed to be higher density. She stated they are talking about neighborhoods that were not developed to be high density. A discussion on density occurred and Mr. Boone stated if there are four bedrooms in a house it is a boarding house.

Mr. Meuser stated, in summary, we must:

- Beef up the sections of the report dealing with enforcement issues.
- Try to rewrite the density portion in a way that is satisfactory to us.
- We need to get to a point where we are talking about suggested solutions that may be employed by the Planning Committee to take to the Council.
- Must have details on suggestions.
- Any proposal suggested, be prepared to give precisely what it is you are proposing that we do, if you want it listed as a possible solution.
- EPA/Consent Decree (would this effect our proposals) and should we check with other Divisions of Government

Next Meeting Date: To be determined.

Meeting adjourned at 5:10 PM



LEXINGTON-FAYETTE COUNTY COUNCIL

Summary Student Housing Task Force February 25, 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:05 PM.

Members in attendance: Chairman Mike Meuser, Council Members Linda Gorton, Diane Lawless and Cheryl Feigel; Bob Boone, Craig Hardin, Tony Blanton, Robert Kesten, David Burton, David Stevens, Lisa Higgins-Hord and Robert Brown.

Also in attendance: Charlotte Boone, Kate Savage (Columbia Heights Neighborhood Association), and Dennis Duross. The meeting was staffed by Marian Zeitlin.

Dr. Stevens noted that on the top of page 4 the minutes should read Ms. Higgins-Hord. A motion was made by Ms. Lawless, seconded by Dr. Stevens to approve the summary of the January 14, 2009, meeting. Motion carried unanimously.

Mr. Meuser reminded members that the latest version of the draft report was dated February 4 and that he had shortened the report by moving items to an appendix. The report reflects all of the changes that have been made since the first draft and includes a few deletions he has made in trying to capture the language all had agreed upon. He noted that substantive changes made since the January meeting began on page 6 of the report, starting with the underlined word abate. He asked members for their comments and questions.

Ms. Lawless noted that the city had the ability to abate a nuisance and charge the property owner. Mr. Meuser questioned what types of violations the city could abate. Mr. Hardin and Mr. Burton cited examples where Code Enforcement abated minor nuisances as well as more serious violations. Ms. Lawless clarified that Code Enforcement would abate and place a lien on the property, but that Building Inspection did not take the same course of action for violations. Mr. Meuser stated he would confirm with Mr. Jarvis the types of violations Code Enforcement could abate, and then revise the wording.

Mr. Meuser directed attention to page 7 of the report and asked Mr. Blanton and Ms. Higgins-Hord for their review of the underlined paragraph regarding UK's Code of Student Conduct. Mrs. Gorton asked if the statistics quoted in the conclusion had been confirmed. Mr. Meuser stated that he has requested the information and was still waiting for a reply from Tim Bennett, Commissioner of Public Safety. There was discussion among members about the comprehensive sweeps by Code Enforcement, what types of violations were cited; how frequently a sweep was conducted, and what geographic areas were targeted.

Mr. Meuser stated that either the statistical statements made by Mr. Jarvis had to be substantiated or the report would need to reflect that the information was anecdotal. Mr. Meuser will continue to work on getting as much info as possible.

Mr. Meuser asked for comments about the underlined statements in the Conclusion section on page 8 of the report. Mrs. Feigel questioned what the statements were based on, and Mr. Meuser responded that the conclusions were based on comments from members of the task force and reports from people living in the neighborhoods. She voiced concern that statements criticizing a government entity needed to be backed up by more than anecdotal reports. Ms. Lawless stated that Code Enforcement's administrative hearing process had been effective in getting complaint-based nuisance violations resolved. She spoke about the plans to allow the FY2010 abatement fund replenish itself. Mr. Meuser agreed to revise the language and make a clearer distinction between the enforcement abilities of the two divisions.

Mr. Meuser asked for comments on the underlined statements related to density on page 9 of the report. Ms. Lawless recommended that the word students be replaced with people. After brief discussion, the members agreed that the wording should be revised to read the Task Force recognizes that the passing on of fines by some landlords to tenants for property violations, etc.... There was agreement among the members that it was the high density of rental properties in an area that had an impact and overburdened city resources and infrastructure; not just student rental properties.

Mr. Meuser agreed to work on the language in the report and was hopeful that the next meeting could focus on recommendations. The goal was to report out at the April 21, 2009 meeting of the Planning Committee. The members agreed that the previously discussed recommendation to amend the zoning ordinances to define fraternities and sororities, and a recommendation to increase the fines would be included. Mr. Meuser asked that members forward details for any recommendation they proposed so that they could be considered at the next meeting.

The next meeting was scheduled for Wednesday, March 4 at 4:00 pm in the 5th floor conference room.

The meeting adjourned at 5:00 pm.



LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

Summary **Student Housing Task Force** **March 4, 2009**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:05 PM.

Members in attendance: Chairman Mike Meuser, Council Members Linda Gorton, Diane Lawless and Cheryl Feigel; David Burton, Bob Boone, Bob Kelly, Craig Hardin, Tony Blanton, Robert Kesten, David Stevens, and Debra Hensley.

Also in attendance: Charlotte Boone, Nick Stamatiadis, Kate Savage, Bill Lear, and Marguerite Waddell. The meeting was staffed by Marian Zeitlin.

Mr. Meuser began by confirming that he had spoken to David Jarvis on the phone and the info was reflected in the report beginning on page 6 in blue and red ink; page 8 reflected Mr. Jarvis' statement about the abatement funds recovered, and page 9 had his comments about the life safety issues. He stated that Mr. Jarvis reaffirmed the 85% figure and was confident that the number is correct. Mr. Meuser opened the floor to comments.

Mr. Hardin stated that on page 2 of the summary his comment was not reflected. He wanted to clarify that high density rental properties which are redeveloped and properly designed are an exception and that they do not overburden the city resources and infrastructure. A motion was made by Dr. Stevens, seconded by Ms. Lawless to approve the summary of the February 25, 2009, meeting. Motion carried unanimously.

Mr. Burton questioned if Mr. Jarvis confirmed that comprehensive sweeps were conducted every four years as stated in the report. Mr. Meuser answered that Mr. Jarvis confirmed it was their practice to conduct comprehensive sweeps plus game day inspections, depending on staffing levels. Mr. Hardin noted that he also communicated with Mr. Jarvis and had received written comments, which he shared with the committee. Mr. Meuser acknowledged that nothing in Mr. Jarvis' written response to Mr. Hardin was inconsistent with what he had said on the phone and was included in the report. Mr. Hardin requested that Mr. Jarvis' written response be quoted specifically in the report.

There was a lively discussion with many opinions expressed about the wording of the report. Mr. Hardin submitted additional written comments, which were then edited by Ms. Lawless and passed to Mr. Meuser. He noted the suggested language changes and agreed to add them to the report.

For the next meeting, Mr. Meuser asked members to submit their recommendations with as much detail as possible. He anticipated that the committee would vote to prioritize items and then forward a final report with recommendations to the Planning Committee for consideration.

The meeting adjourned at 5:35 pm.



LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

Summary **Student Housing Task Force** **March 25, 2009**

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:15 PM.

Members in attendance: Chairman Mike Meuser, Council Members Linda Gorton, Diane Lawless and Cheryl Feigel; Bob Boone, Craig Hardin, Tony Blanton, Robert Kesten, Robert Brown and Lisa Higgins-Hord.

Also in attendance: Charlotte Boone and Kate Savage. The meeting was staffed by Marian Zeitlin.

Mr. Meuser requested review of the summary of the previous meeting. A motion was made by Ms. Lawless, seconded by Mr. Hardin to approve the summary of the March 4, 2009, meeting. Motion carried unanimously.

Mr. Meuser noted that the final draft of the report had been distributed by email and welcomed additions or corrections. A few typographical errors were pointed out and corrected. Mr. Hardin stated that the comments he submitted at the previous meeting were not included in the final version. He wanted the report to reflect that high quality redevelopment eliminated many of the problems. Mr. Meuser said that he recalled the discussion but that there had been no consensus by the committee to include his comments as written. Mrs. Gorton stated that high quality is subjective and several members shared examples of redeveloped and renovated properties that continue to be problems. Mr. Meuser stated that the problems are related to density and the number of rental properties, not the quality of the redevelopment or renovation. After additional discussion, Mr. Brown suggested that we proceed without Mr. Hardin's comments and address that issue in the recommendation phase.

A motion was made by Ms. Lawless, seconded by Ms. Higgins-Hord to adopt the report with typographical corrections and proceed to policy and action recommendations. Motion carried unanimously.

Mr. Hardin stated that better enforcement or expanded enforcement of existing laws was necessary. He cited the game day efforts as an example of existing laws being effectively enforced to great success. Ms. Lawless suggested that cross training of employees between the divisions could help improve enforcement. She also noted that better documentation and sharing of information between the divisions could help get violations corrected and allow better follow up on complaints.

Ms. Lawless suggested that building inspection violations should carry civil penalties instead of criminal penalties. This would allow quicker, more responsive resolution of violations like it does for code violations. She noted that she had been in contact with the state about changing the statutes and would continue to pursue this as an option.

Mr. Hardin stated that The Ohio State plan, which was included in the report's appendix, created a university district and developed an office of off campus services. He suggested that the plan be separated into two recommendations and be included in the report as such. Mr. Hardin pointed out that the university already provides many of the services that would be offered in an office of off campus services. Ms. Lawless suggested that an additional fee (\$10 per semester) could be charged to all students who live off campus and used to fund an office at UK. Ms. Higgins-Hord agreed to speak to the interim vice president of Student Affairs about this idea.

Mr. Meuser stated that he would speak to Mr. Lear about the recommendations that he proposed and share them with the committee. He noted that one of the recommendations was to create a special taxing district for an area surrounding the university. The funds would be dedicated to additional enforcement and infrastructure in the area.

Mr. Meuser agreed to send an email with dates for the next meeting.

The meeting adjourned at 5:30 pm.



Lexington-Fayette Urban County Council

Summary Student Housing Task Force April 22, 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:10 PM.

Members in attendance: Council Members Diane Lawless, Linda Gorton, and Cheryl Feigel; Nick Stamatiadis, Robert Boone, Charlotte Boone, Dave Burton, Chairman Mike Meuser, Craig Hardin, Tony Blanton, Robert Kesten, David Stevens.

The meeting was staffed by Diana Queen.

Mr. Meuser requested review of the summary of the previous meeting. A motion was made and seconded and the minutes were accepted. Motion carried unanimously.

Mr. Meuser noted the final draft was distributed by email with some attached photos of a property near campus which reflected some of the issues related to student housing and city code enforcement. Mr. Meuser stated one of the possible solutions regarding code enforcement was raising amount of violator's fines to provide the city with funds to do sweeps of problematic areas.

Ms. Gorton stated government wants to look at the broader issue through the budget process and determine if funds/fines are being used properly. This also relates to contractor services and prioritizes the use of the funds made available and how government will prioritize the use of funding through the recommendations of the Task Force.

Mr. Meuser pointed out enough funds need to be available through abatement to adequately address the issue and create an active dialogue with the Division of Code Enforcement.

Ms. Lawless said she has had a year of this discussion.

Mr. Meuser conveyed to the group the importance of establishing priorities as a whole.

Ms. Gorton stated the council would be better able to receive it if priorities were in order.

Mr. Hardin stated this was the original idea as many stakeholders have an interest in this being done. Mr. Hardin conveyed his thoughts regarding the Ohio State visit and his recommendation of Policy Option 2&3 be split in accordance to Mr. Lear's comments.

Ms. Feigal raised the topic of a "Special Taxing District" and stated she views it as fundamentally unfair to homeowners who do take care of there properties.

Mr. Meuser stated he wouldn't be discussing these issues if there were adequate enforcement. The community's needs would be met and this would then be no problem.

Ms. Feigal stated if this was a problem with one area of the community would this not be true of other areas of town. Such as Windburn and Alexandria Drive.

Ms. Lawless stated this problem relates to setting priorities and that it is important to be unilateral in making these decisions.

Ms. Gorton said perhaps the Task Force should move the priorities ahead first to the council as they will be easily explained.

Ms. Lawless commented regarding how students are taxing the community and there should be a student fee which could be accomplished through the Board of Trustees. They could partner with the city and ask the students to pay \$5.00-\$10.00 which could be used toward addressing these issues. A dialog should take place between the city and university regarding this policy recommendation.

Mr. Blanton stated this decision would have to come from the board of trustees.

Mr. Feigal discussed Policy Option 3 relating to the "Ohio State" plan and what UK are doing now and what portions are feasible and useable from the plan.

Ms. Lawless the University needs a dedicated officer/person to do inspections of these properties and other tasks.

Mr. Hardin stated during his visit to Ohio State University he met with a gentlemen named Wille who worked with "Off Campus Services" and served as a liaison between students, community, and Ohio State University. Willie would get to know the students and over time built a trusting relationship with them. Willie knew where parties were held and could talk with students about issues and get results.

Ms. Feigal expressed disappointment in Code Enforcement and the turn around time it takes to address a constituent's complaint.

Ms. Gorton expressed the need for more code enforcement and even in a difficult financial time the Mayor has the authority to still hire in emergency cases and perhaps the city could hire someone dedicated to the district.

Ms. Lawless suggested University could hire code enforcement officer and lift the stress off the city. Ms. Lawless expressed the need for a student fee to be levied to assist the city in addressing the issue.

Mr. Meuser expressed the committee has some essential questions it has been attempting to answer.

*Do we have laws to deal adequately with the issue?

*Have we identified the problems and set priorities?

*Is Enforcement achieving its goals and doing what it was meant to do?

Mr. Meuser recommended the committee bundle recommendations which will go forward to the Planning Committee. As an example amending zoning ordinances which would include fraternities and sororities.

Ms. Lawless stated she wants the recommendation which fines a building owner who builds without a permit and says state law supports this recommendation. She would like to see making the permit process a civil fine not a criminal charge.

Mr. Hardin said he has concerns about ordinance which would create too many problems for contractors. He is unclear what this means and would want clarification and would it require too many licenses to do too many small things?



Lexington-Fayette Urban County Council

Summary
Student Housing Task Force
May 13th 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:00PM.

Members in attendance: Mike Meuser, CM Diane Lawless, Dr. David Stevens, CM Linda Gorton, Dr. Robert Boone, Charlotte Brown, Tony Blanton, Bob Kelly, Nick Stamatiadis, Craig Hardin, David Burton, Lisa Higgins-Hord, CM Cheryl Feigel.

Guests were in attendance on this date for the meeting.

The meeting was staffed by Diana Queen.

The meeting was called to order at 4:05 PM by Chair Mike Meuser.

Mr. Meuser asked for review and approval of the minutes. The minutes were approved unanimously.

Mr. Meuser discussed the Policy Options and suggested to the committee should provide suggestions on policy options by ranking via the level of support for the specific policy. (Several committee members begin to make suggestions of moving numerically the policy options into new order)

Mr. Hardin Suggests Options Number 2&3 and suggests they split them. Suggests Policy Option 2 and 9 are the same thing. He states increased enforcement changes zoning ordinances.

Ms. Feigel comments about the "Special Taxing District". She states she feels it is unfair to homeowners who take care of there properties to be additionally taxed.

Mr. Meuser states the committee wouldn't be discussing these things if enforcement were enough.

Ms. Lawless states the problem with setting policy priorities is being unilateral with them.

Mr. Gorton states once the policy priorities are set they can be easily explained to council once narrowed down.

Ms. Lawless states students are taxing the community and partnering with the University is a good idea. It would do a lot for the students as well to be apart of the community. Also the idea of buying housing with deed restrictions can be considered. The Board of Trustees must agree to these policy recommendations. The University could do code enforcement and lift the stress off the city.

Mr. Meuser stated the committee is questioning if we have adequate laws to deal with the issue. We are identifying problems, setting priorities, and seeing if enforcement is achieving the goals as it was meant to do.

Mr. Meuser explains to committee he will make revisions in the report to reflect the ordering and send them to everyone for there review and approval. He envisions concluding the work of the committee soon and presenting these options to the Planning Committee in the near future.

He would contact everyone by email for setting the next meeting.

He thanked everyone for there participation and attendance.

A motion for adjournment by Mr. Hardin and seconded by Ms. Lawless.

Meeting adjourned at 5:05 PM.



Lexington-Fayette Urban County Council

Summary Student Housing Task Force July 22, 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:15 PM.

Members in attendance: Mike Meuser, CM Diane Lawless, Joseph Quinn, Robert Kesten, Tony Blanton, CM Cheryl Feigel, Robert Brown, Craig Hardin, Robert Boone, Charlotte Boone.

The meeting was staffed by Diana Queen.

Since no quorum was met at the last meeting no minutes were presented for approval.

Mr. Meuser reminded the group no quorum was met at the last meeting and this meeting would pick up on the policy recommendations portion of preparing the final draft for the task force to present to the Town and Gown Commission.

Mr. Blanton suggested the group write the policy recommendations on the board and each person rank them.

All members agreed and the policy recommendations were written on the board and each member present was asked to rank there preferences by weighted priority votes.

The weighted priority votes were: A= 3pts. B= 2pts. C=1pt.

Each member present went to the board and indicated there preferences.

The results are as follows:

Adopt portion of "Ohio State Plan"	12 points
Adopt portion of an "off campus housing fee"	10 points
Adopt "Penn State Plan" model on density	7 points
Adopt Rental Licensing Fee	7points
Revise definition of "family" in zoning ordinance	6points
Amend ordinances for rear yard parking	4points
Adopt Lear "university district"	1point

Mr. Meuser said he would prepare final report based on these recommendations and present it to Planning.

Ms. Feigel said perhaps he should let them know how the task force went through the process to arrive at the recommendations.

Ms. Lawless said she still plans to meet with Lisa Higgins Ford to discuss off campus housing fee for input before any discussion with Dr. Todd.

Mr. Meuser said at the next meeting we should discuss meeting with planning chair. It is perhaps best to meet with chair after the council returns from break on August 12, 2009.

Mr. Blanton wanted to know about BCTCS?

Mr. Meuser said it is important to include BCTCS in the recommendations.

The meeting was adjourned at 5:10PM.



Lexington-Fayette Urban County Council

Summary
Student Housing Task Force
August 26, 2009

The meeting was held in the 5th Floor Conference Room of the Lexington-Fayette Urban County Government Center, and was called to order at 4:15 PM.

Members in attendance: Mike Meuser, CM Diane Lawless, Dr. David Stevens, CM Linda Gorton, Dr. Robert Boone, Charlotte Brown, Vice Mayor Jim Gray, Tony Blanton, Ryan Smith, Bob Kelly, Nick Stamatiadis, Craig Hardin, David Burton, Lisa Higgins-Hord, CM Cheryl Feigel.

Guests were in attendance on this date for the meeting.

The meeting was staffed by Diana Queen.

The meeting was called to order at 4:05 PM by Chair Mike Meuser.

Mr. Meuser asked for review and approval of the minutes. The minutes were approved unanimously.

CM Feigel left the room but returned shortly.

Mr. Meuser called the meeting to order and provided an explanation of the policy voting process. He explained in the previous meeting as with today, policy options were listed on the board. Committee members came forward, indicated their choice, and votes were distributed. A= 3pts, B= 2 pts, C= 1pt. The votes were tallied and indicated in the minutes.

CM Feigel reentered the room and inquired about a quorum.

Mr. Meuser counts committee members and states there is a quorum present.

CM Feigel questioned Dr. Steven's validity on the Task Force? Was he reappointed to the Task Force after the conclusion of the council term?

VM Gray says he was reappointed and asked CM Feigel to clarify her question and what context it is being asked.

CM Feigel states to VM Gray she believes he was not reappointed but stayed on the committee after his council term ended. She asked for clarification?

CM Feigel expresses it is not a personal issue about Dr. Stevens (directs comment to Dr. Stevens) but has some doubts and questions related to his appointment on the task force.

Dr. Stevens states he is a member of the committee.

Mr. Meuser says Dr. Stevens is a member of the Task Force and it is indicated in the early portion of the report. He was reappointed after his term ended.

Mr. Meuser discusses the process of taking these policy recommendations and presenting them to the Town and Gown Commission/Planning Commission. In this process the University of Kentucky will have input into the process. Once this is completed it will move to the council for vote.

Mr. Blanton stated student fees were once capped by the state but now it is a percentage and a new feature possible for UK.

Ms. Gorton stated she was absent last meeting but wanted to know about items which were dropped off the list? How were they eliminated?

Mr. Meuser stated they were prioritized by the group and were eliminated due to lack of committee support for a specific recommendation/plan.

Ms Higgins-Hord enters meeting.

Dr. Stevens describes some of Bureau of State Colleges plan (Penn State Plan) regarding buying back homes. It has been very effective. A board decides to purchase properties. Buy properties at market rate then resell them over a period of time. He states it has been quite successful for them.

Ms. Feigel asked if they are purchased through Eminent Domain or Market Price?

Dr. Stevens states they are purchased at market rates.

Mr. Meuser states the form in which this program will be implemented will be up to the City Council. The Council will have to weigh the Ohio State Plan and come to some determinations. He also conveyed Transylvania University had two hundred students living off campus and a small campus population to consider.

Ms. Feigel said she views the Ohio State plan as a collaborative effort of students, landowners, and neighborhoods. The Penn State Plan puts it on the back of the city.

Ms. Feigel continued...

Ms. Feigel directs her question to Ms. Higgins Hord inquiring about the role Other entities play to solve the problem.

Ms Higgins-Hord states she doesn't know, as it has been awhile since she reviewed the Penn State plan and doesn't want to speak to it without another review. Not sure.

Ms. Gorton questioned if the top two vote getters were linked together and how are they linked?

Mr. Meuser explains they are not linked together but separate policies.

Ms Higgins-Hord states UK is about to go through budget and tuition discussions. Student fees have increased and were recently approved by the Board of Trustees. She wants everyone to understand they want to be helpful and engaged in solving these issues, but realistically they may not be able to look at charging an additional fee.

VM Gray stated his observations were that the quality of life and place were in decline. This group needs to speak with conviction about this issue. Systemically it has failed and we must have engagement from the University of Kentucky and they must be committed in solving it. We have been patient and it's not a question of too much or too little patience in dealing with off campus housing. We need real solutions.

Ms. Higgins-Hord said she understands the issue and frustrations. It is not an issue of sub sets of private entities. Everyone should be at the table in attempting to solve the problems. She is simply trying to say what the current situation is with budgets and fees.

Mr. Meuser said everyone has put in substantive work behind this body of work.

Ms. Lawless said everyone is committed to making a difference.

Ms. Feigel stated each entity should be committed to solving this problem.

Mr. Meuser asked if there were any questions on the Ohio State Plan. Mr. Meuser then asked for the remaining committee members who had not cast their vote to go to the board and rank the specific policy recommendations with the following point scale:
A=3, B=2pts, C=1pt.

Policy Recommendation Voting Tally

August 26th Tally July 22nd

Totals

1. Ammend Ordinance Rear Parking – 5 votes	4votes	9votes
2. Adopt Portion of Ohio State Plan - 4 votes	12votes	16votes
3. Lear University District - 3 votes	1votes	4votes
4. Off Campus Housing Fee - 3 votes	10votes	13votes
5. Penn State Plan - 14 votes	7votes	21votes
6. Revised definition of Family - 6 votes	6votes	6 votes
7. Rental License Fee - 12 votes	7votes	19votes

Ms. Queen asked for the tally to be read aloud for the record. She requested the totals from the voting from the last meeting, today, and the totals be read into the record.

Mr. Meuser stated he would amend the draft report with any changes to include the voting recommendations and policy rankings.

Ms. Feigel made a motion to include Officer Keith Gains Plan into the report. She stated Officer Gains had done an outstanding job and had prepared a good plan for solutions to these issues.

Ms. Lawless stated this process was not over and there would be opportunities to incorporate his plan into it.

Dr. Stevens made a motion to reference Officer Keith Gains in the final report.

A second was given. Mr. Meuser asked Officer Gains to give an overview of his report.

Officer Gains gives summary of the plan (Please see his report for summary of his plan)

Mr. Meuser thanked Officer Gains and said he will include it into the final Task Force report. Meeting adjourned at 5:28 PM.

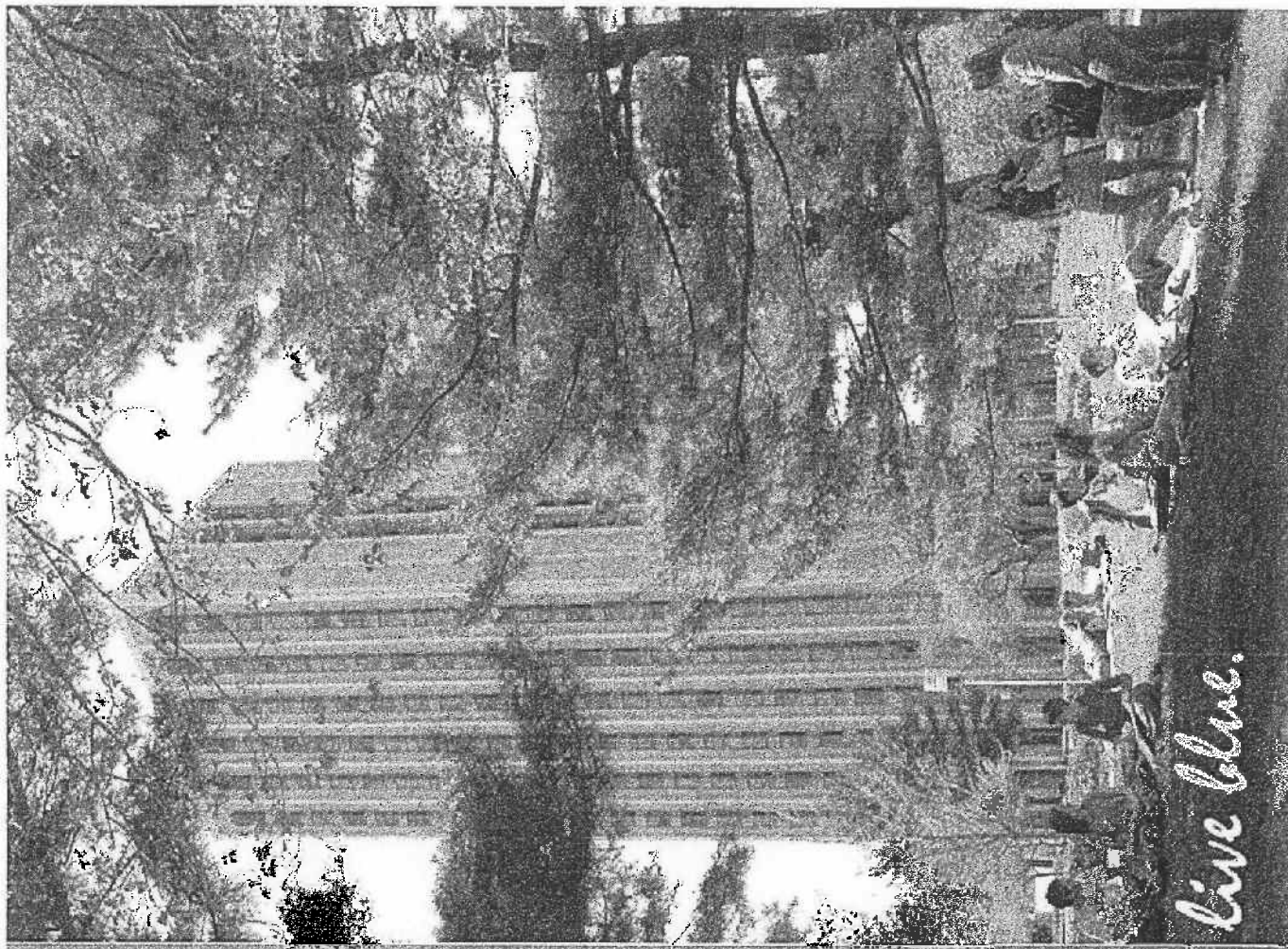
APPENDIX 7



University of Kentucky Housing Development Plan

2008

see blue.



live blue.

Planning

see
blue
line.

UNIVERSITY OF
KENTUCKY

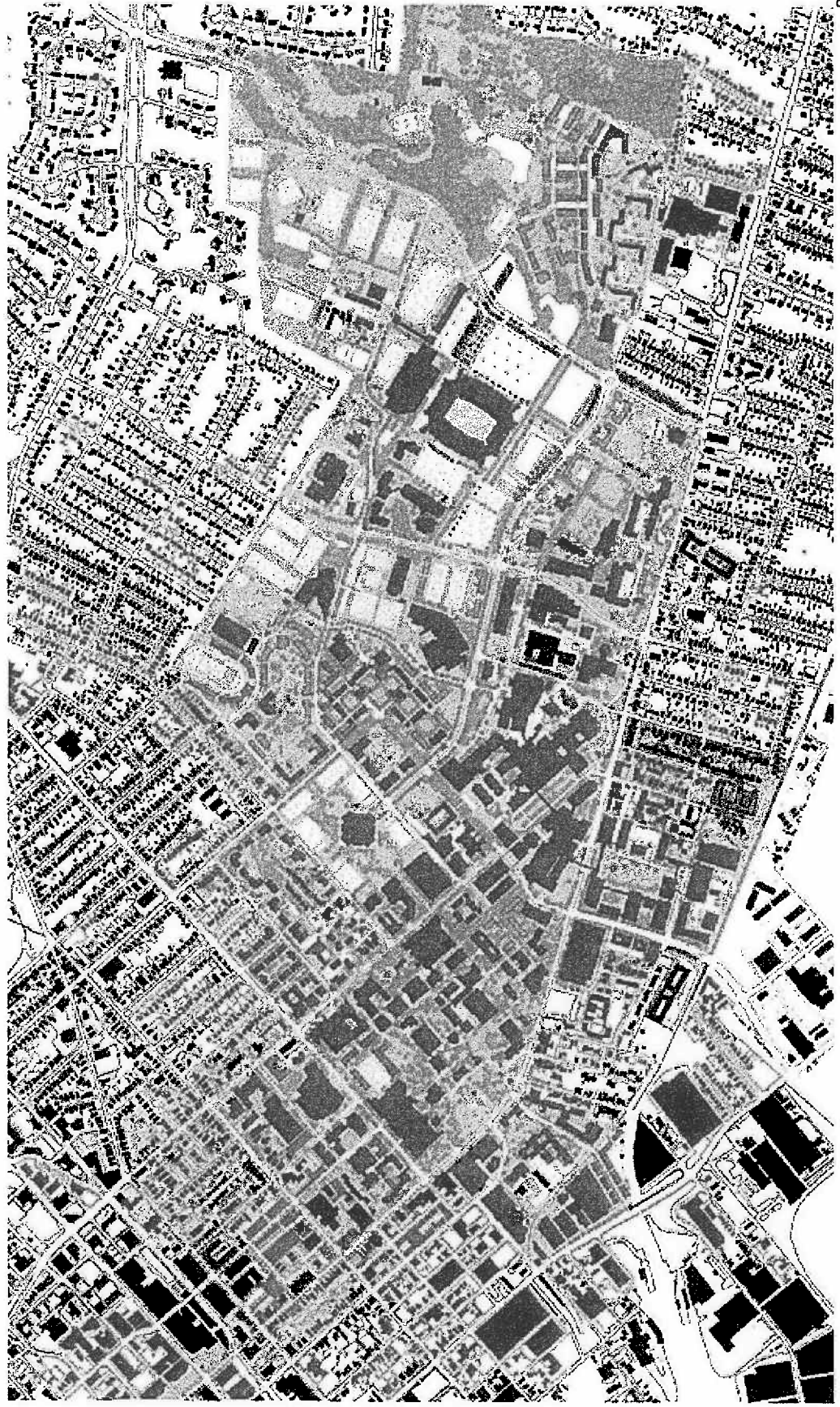
- Keep projected Housing rate increase to a maximum of 4%.
- Housing rates will be charged as "Premium Housing" once a building is renovated.
- Assume a 2% growth in undergraduate enrollment through 2026.
- The plan assumes an increase in bed count of 1,509 to accommodate the expected growth in undergraduate students called for in the University's Top 20 Business Plan.
- The renovation of the Complex and Keeneland would be financed by the sale of Agency Bonds.
- The demolition and rebuild would require ground leases and private financing.

UK Master Plan 2020

(Housing Facilities in Blue)

see
blue

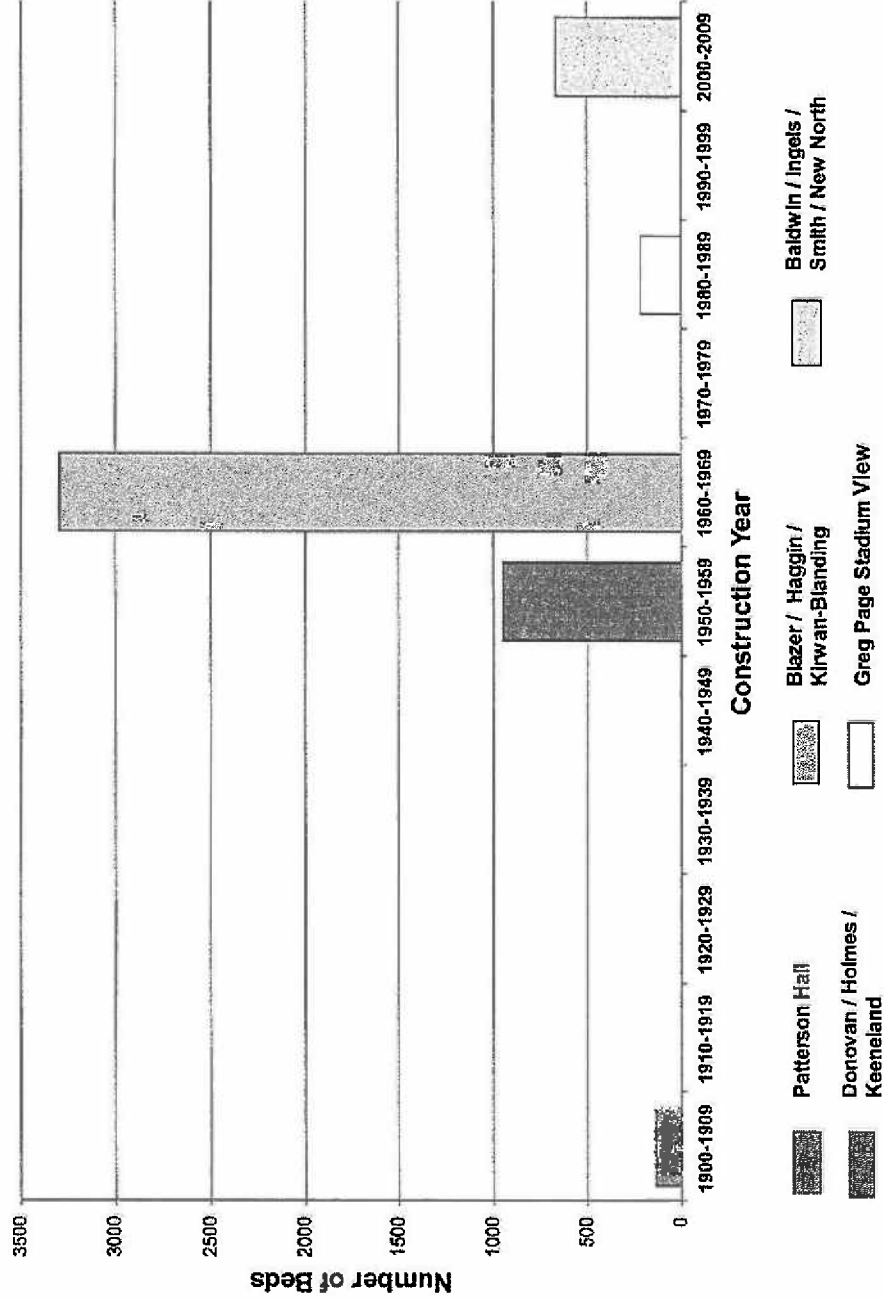
UNIVERSITY OF
KENTUCKY



Number/Type of Units - Undergraduate 2008

see *live blue* blue

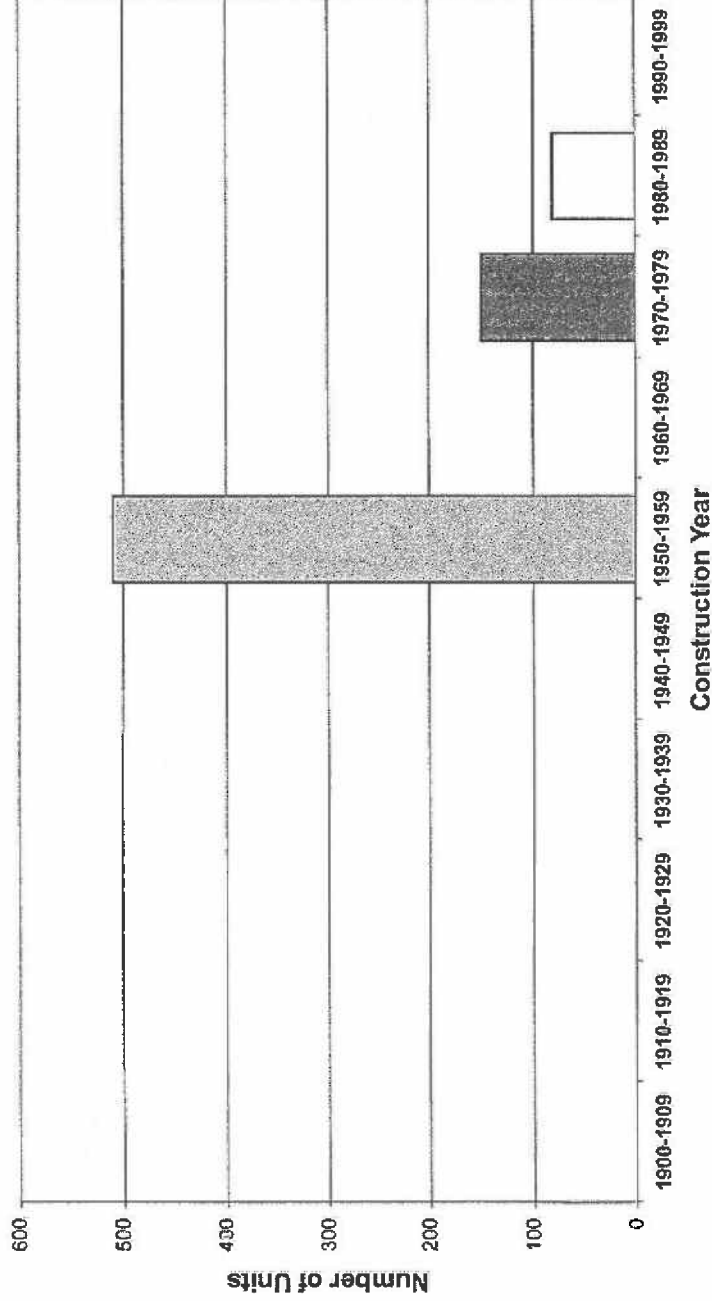
UNIVERSITY OF
KENTUCKY



Number/Type of Units - Apartments 2008

see *both* blue.

UNIVERSITY OF KENTUCKY



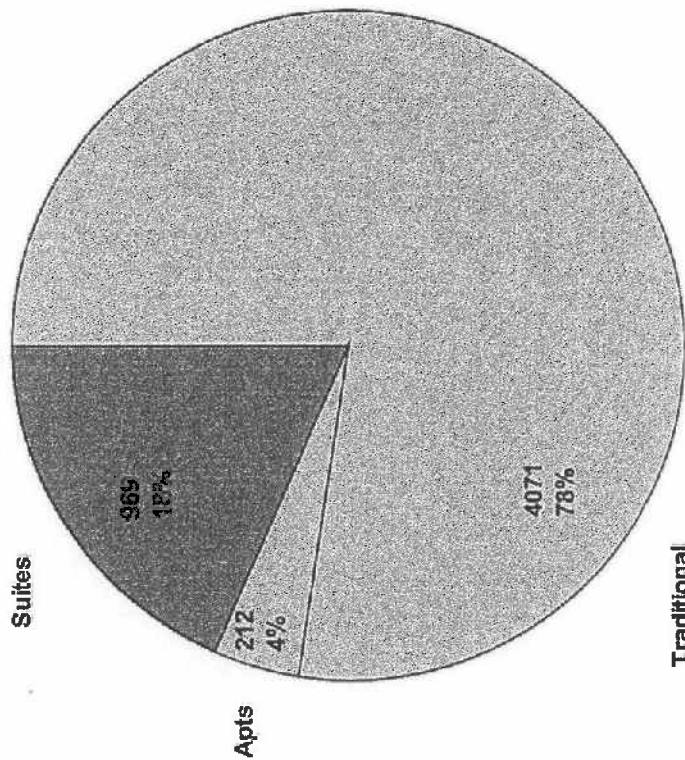
- Cooperstown and Shawneetown
- Commonwealth Village / Linden Walk / Rose Lane
- Greg Page Stadium View Apts

Number / Type of Units 2008

see blue.

KENTUCKY

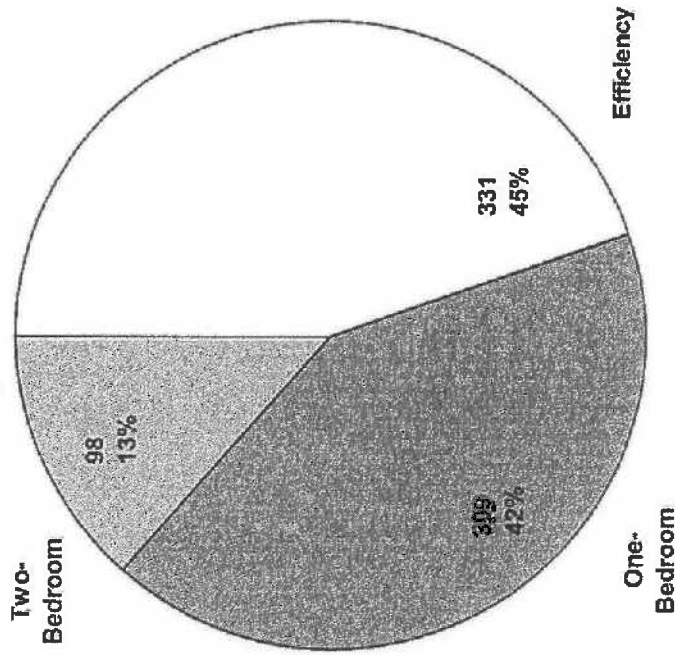
Undergraduate



TOTAL: 5,252 beds



Family and Graduate



TOTAL: 738 units



Current Inventory - Undergraduate

see *live blue*
blue

UNIVERSITY OF
KENTUCKY

Residence Hall	Year of Construction	Configuration	Capacity
Baldwin	2005	Suites	174
Blanding I	1967	Traditional	167
Blanding II	1967	Traditional	167
Blanding III	1967	Traditional	164
Blanding IV	1967	Traditional	167
Blanding Tower	1967	Traditional	610
Blazer	1962	Traditional	186
Donovan	1954	Traditional	338
Greg Page	1980	Apartments	212
Haggin	1961	Traditional	556
Holmes	1958	Traditional	304
Ingels	2005	Suites	171
Keeneland	1954	Suites	306
Kirwan I	1967	Traditional	167
Kirwan II	1967	Traditional	165
Kirwan III	1967	Traditional	167
Kirwan IV	1967	Traditional	167
Kirwan Tower	1967	Traditional	610
North	2005	Suites	144
Patterson	1904	Traditional	136
Smith	2005	Suites	174
			5252

Current Inventory - Graduate

see
blue.

UNIVERSITY OF
KENTUCKY

Complex	Year of Construction	Capacity
Linden Walk	1977	16
Rose Lane	1977	10
Commonwealth Village	1977	122
Cooperstown	1956	330
Shawneetown	1959	186
Greg Page	1980	48
		<hr/> 712

How UK Compares to Other Large Schools

see *big blue*

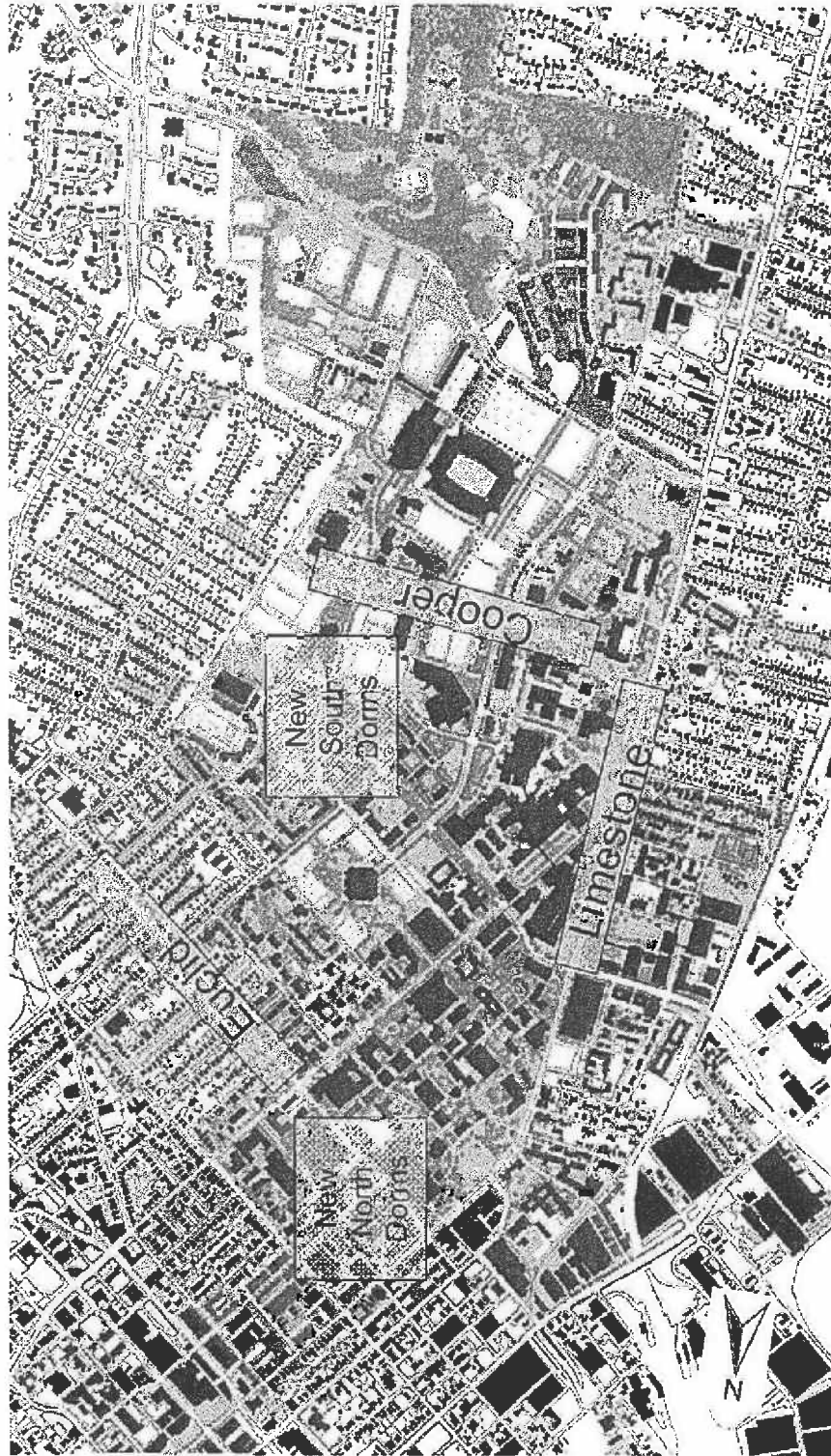
KENTUCKY

Institution	Total Enrollment	Beds/Units as % of Total Enrollment
Pennsylvania State	41,795	32%
Univ. of Virginia	23,077	31%
UNC – Chapel Hill	26,359	28%
NC State	29,854	27%
University of Kentucky	25,686	24%
Illinois – Urbana Champaign	40,458	23%
Univ. of Georgia	33,878	22%
Univ. of Iowa	29,745	21%
Univ. of Florida	47,858	18%
Univ. of Texas, Austin	51,426	14%
Univ. of Washington	39,136	14%

Recently Constructed Housing

see the *live blue*

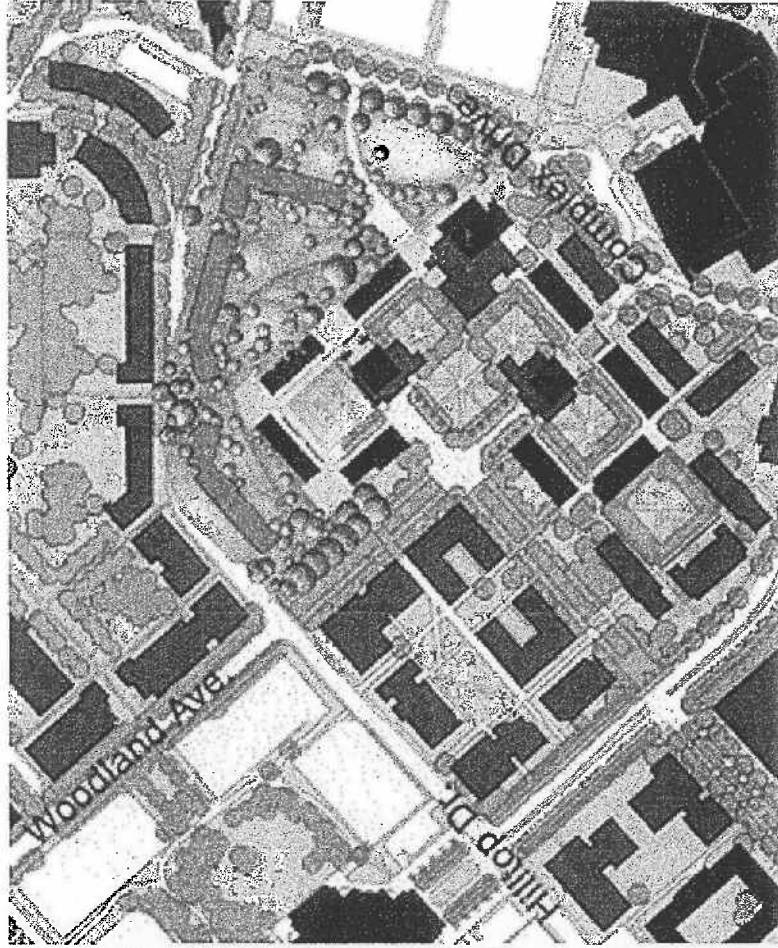
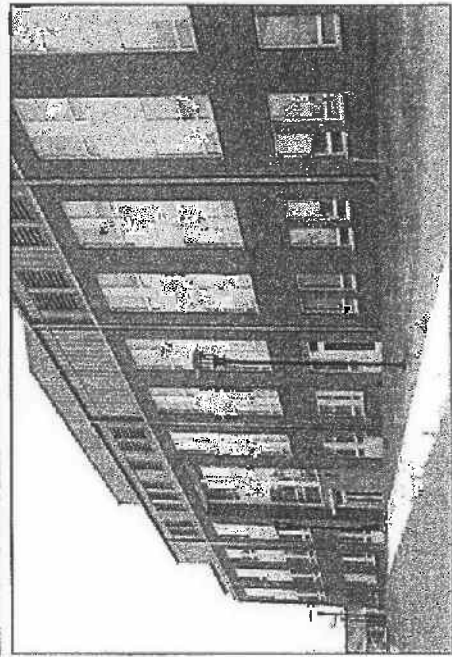
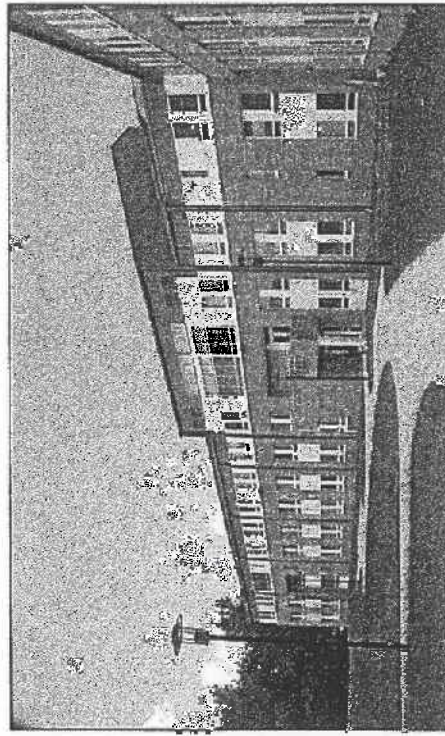
KENTUCKY



New Housing South Campus

see *Long blue*

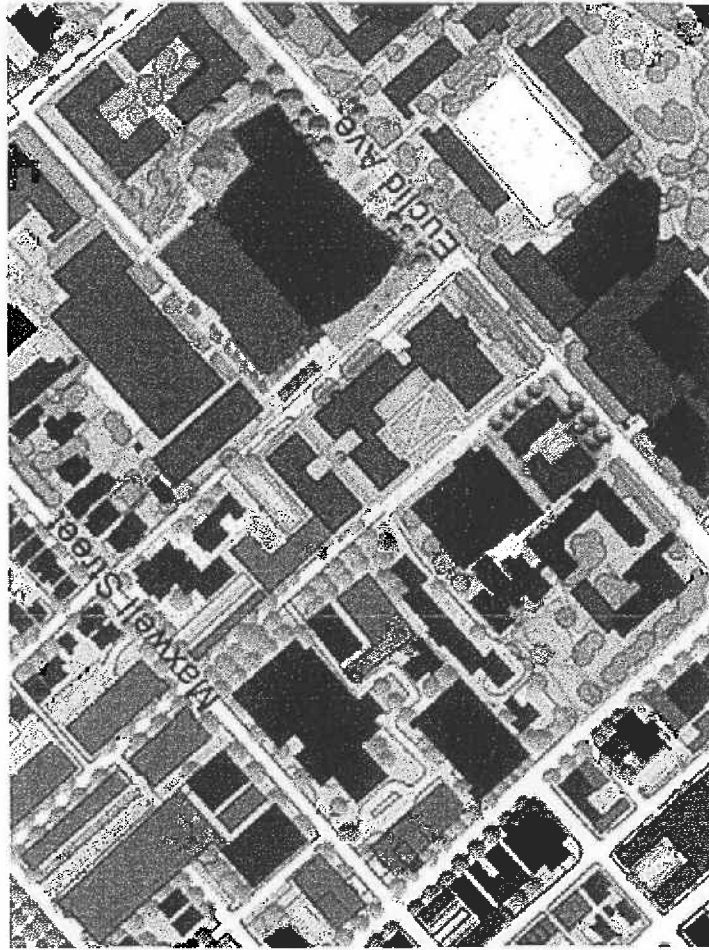
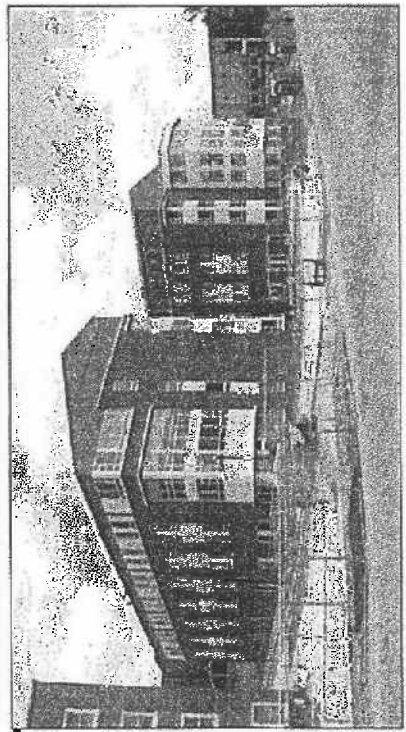
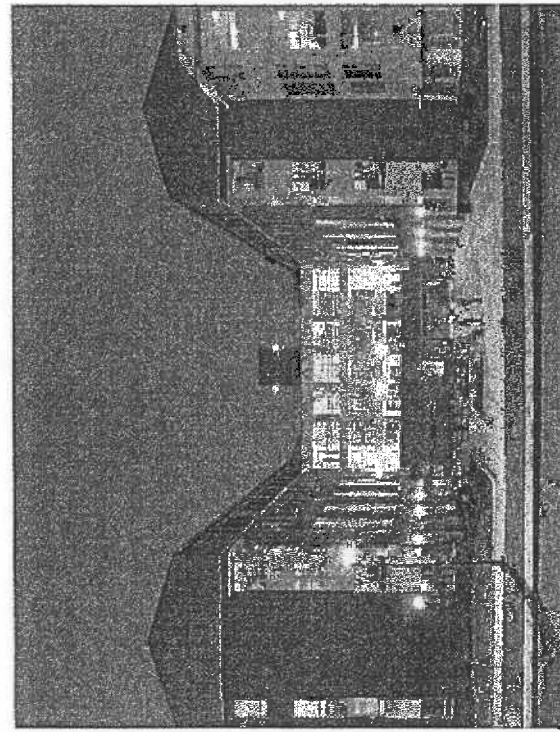
KENTUCKY



New Housing North Campus

see *long blue*
blue

KENTUCKY



Growth

see
blue
live
blue.

UNIVERSITY OF
KENTUCKY

Growth Area	UK	2012	2020	Variance	
	2004	Goal	Goal	2004-'12	2004-'20
Undergraduate Enrollments	18,492	20,374	24,692	1,882	6,200
Graduate and First Professional	7,252	7,642	8,002	390	750
Postdoctoral Appointments	295	438	670	143	375
Faculty	1,920	2,133	2,545	213	625
Bachelors Degrees Awarded	3,285	4,800	6,350	1,515	3,065
Doctorates Granted	276	350	465	74	189
Total Research Expenditures	\$298	\$476	\$748	\$178	\$470

Top-20 Build Out Plan

see
blue.

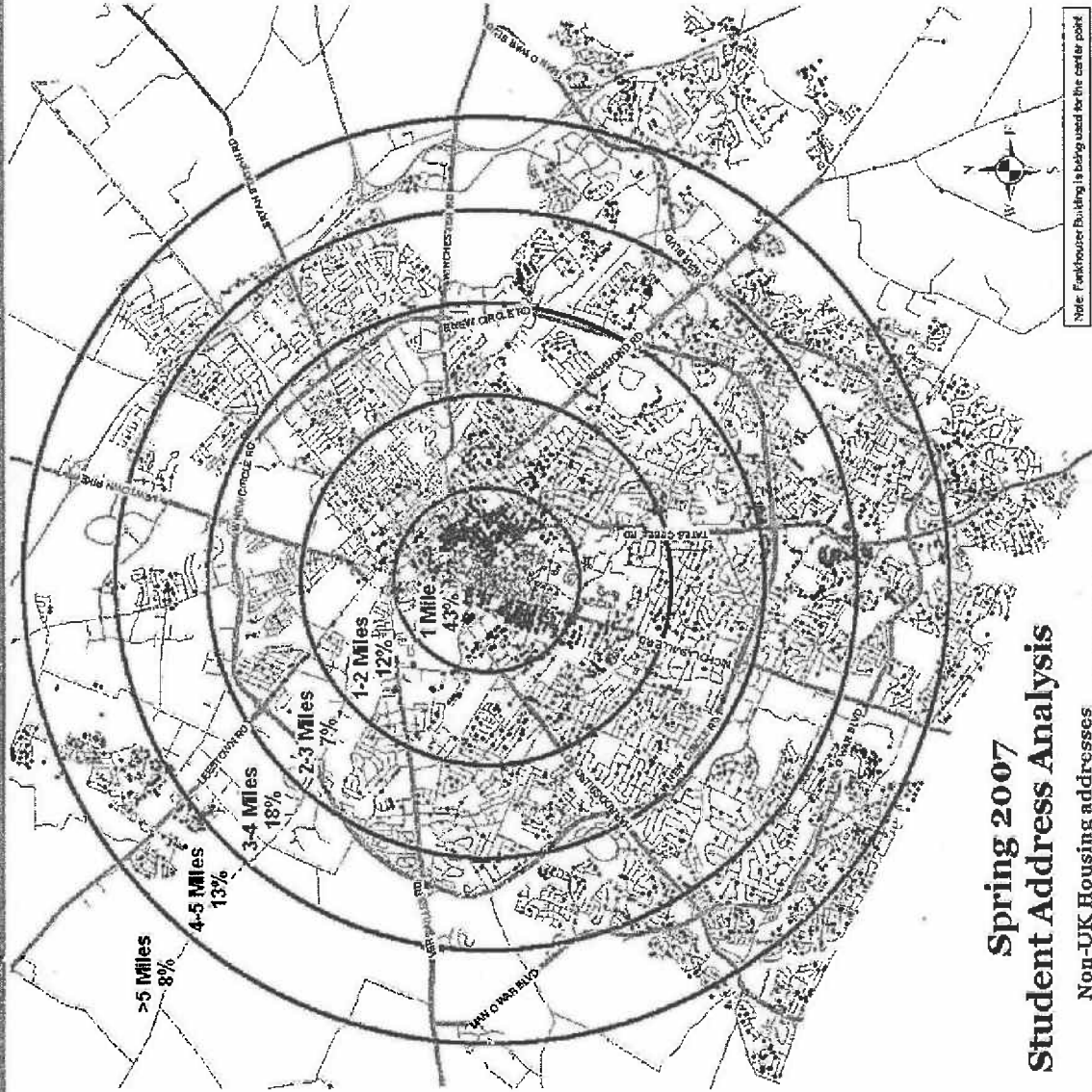
KENTUCKY

Project	Year	Beds
Build New Suites	2011	0
Build New Suites	2014	600
Build New Suites	2016	303
Build New Suites	2018	303
Build New Suites	2019	<u>303</u>
TOTAL Number of Beds		1509

Where UK Students Live

see *for the*
blue *line*

KENTUCKY



Spring 2007 Student Address Analysis

Non-UK Housing addresses

Estimated Scope and Cost

see
blue.

KENTUCKY

RENOVATION

Number of Beds Renovated:

Current Inventory 2,857
After Renovations 1,582

Institutional Financing (Est.)

\$220.0 Million

Kirwan/Blanding Complex
Keeneland Hall

NEW CONSTRUCTION

Additional Beds:

Number of Beds Constructed: 1,509

Private Financing (Est.)

\$113.0 Million

Potential Increase For Top 20 Business Plan

Tear Down and Rebuild:

Number of Beds Constructed:

3,400

Number of Beds Removed:

1,928

Private Financing (Est.)

\$255.0 Million

Summary

see
blue.

UNIVERSITY OF
KENTUCKY

- University of Kentucky commitment to Top 20 Status
- Top 20 Business Plan calls for additional research and instructional facilities
- Renovation of housing important to recruitment and retention of students
- Improve configuration of housing inventory and improve infrastructure
- Improvements over 20 year timeframe
- Privatize new housing -- will reduce demand on debt capacity for University of Kentucky and state

Housing Development Plan

Phase I Timeline

see
blue

KENTUCKY

January 2009	Finalize Request for Proposal Document Finalize Site Selection of Cooperstown Area
February 2009	Receive Responses from Interested Developers
March 2009	Begin Negotiations with Top Developers on Terms and Ground Lease
May 2009	Finalize Terms and Prepare Material for Board Approval for Project
June 2009	Begin Design Work With Selected Developer Begin Meetings with Neighborhoods Groups and Other Constituents
August 2011	Target Date for Project Completion

APPENDIX 8

Craig W. Hardin

From: David Jarvis [davidj@fucg.com]
Sent: Tuesday, March 03, 2009 3:32 PM
To: Craig W. Hardin
Cc: Tim Bennett
Subject: RE: SHTF Report

RECEIVED
MAR - 3 2009

Craig in response to the report;

- With current staff levels and funding it would not be possible to focus our entire attention on one particular area of town while trying to maintain a fair and balanced inspection system throughout Fayette County. We currently have numerous comprehensive inspections throughout Fayette County underway.
- In my opinion the creation of Mayor Newberry's "Game Day" task force dealing with trash, parking and overall quality of life issues has addressed most of the problems in the area and will continue to do so and that a full blown comprehensive inspection of the UK area any more frequent than what is being done is not necessary and with current ordinance guidelines of 14 day compliance would not address the issues any faster. I do feel any additional staff obtained by Code Enforcement could be utilized to address "Nuisance" issues such as trash and debris in and around the UK area.
- I have interviewed my Inspectors and they have informed me that they feel confident that 85% or more of the units inspected in 2003 and 2004 had interior inspections completed.
- In closing in my opinion the problem that has occurred in the UK area culminates from several factors that have been brought to light in the past such as UK's no alcohol policy, lack of housing and parking have attributed to the ongoing problems in the area, as you are well aware my office enforces a minimum standard code and could not begin to address the complex issues in the UK area. And I welcome any suggestions in combating the issues in and around these neighborhoods.

Thanks, David.

David Jarvis - Director of Code Enforcement
101 E. Vine St. Suite # 110
Lexington, K.Y. 40507
859-258-3270
davidj@fucg.com

From: Craig W. Hardin [mailto:craig@hardinproperties.net]
Sent: Tuesday, March 03, 2009 3:05 PM
To: David Jarvis
Subject: SHTF Report

Mr. Jarvis:

With reference to the March 4th, 2009 draft of the Student Housing Task Force (SHTF) Report that we discussed can you please clarify your position as to the items that have been attributed to you as saying. Specifically there are several references on pages 6 and 7 that we believe might be true but are characterized in such a way that we think create an incorrect impression overall in the report. For example is it really necessary (or practical) for any community to do a comprehensive sweep of a particular area every 4 years?

I would also appreciate any other items that you think would help to provide a more comprehensive report for the task force to provide to council. Thank you in advance for your time... I know you are very busy right now with the budgeting cycles. Craig Hardin

Craig W. Hardin

HARDIN PROPERTIES

Quality Student Living at UK Since 1986
228 Lexington Ave. Ste.102
Lexington, KY 40508-2694
Ph.: (859) 255-1142
Fax: (859) 255-1331
Mobile: (859) 509-2227
E-mail: craig@hardinproperties.net

3/3/2009

APPENDIX 9

Fire Safety on Campus...

Questions for everyone to ask

Between January 2000 and June 2008, 129 people have died in campus-related fires, both on- and off-campus, across the country and countless others have been burned, lost their housing, personal belongings and school work in fires.

When visiting a school or choosing housing, make an informed decision. This is critically important for off-campus housing, where 80% of the fire fatalities have occurred.

Ask these questions...

- **Is there a person on campus whose full-time job is fire safety?** Not all campuses have someone dedicated to just fire safety.
- **How many fires have occurred campus in the past year? How about fires in off-campus student housing?** How many people have been killed or injured?
- **Are residence halls, Greek Housing or off-campus housing equipped with an automatic fire sprinkler system?** If not, why not? Sprinklers provide that vital first line of defense when it comes to controlling a fire. Many residence halls are not sprinklered - ask for your student to be put in sprinklered housing.
- **Does every student's room have a smoke alarm?** Does it send a signal to campus security of the fire department? Fire alarm systems will give everyone the warning that there is a fire and it is time to get out.
- **How many false alarms have occurred in the residence halls?** False alarms cause students to stop paying attention to the alarms, which can be a fatal decision. False alarms ARE avoidable.
- **What are the disciplinary steps taken against anyone who causes a false alarm, fails to evacuate during an alarm or tampers with fire safety equipment?**
- **Is the fire department IMMEDIATELY notified whenever ANY fire alarm system is activated?** Some schools investigate the alarm first and then notify the fire department. This delay can put more people at risk. The fire department should automatically be notified of ALL alarms.
- **What items are prohibited in residence halls because of fire safety?** Are smoking, candles and Halogen lamps prohibited in the residence halls? If not, they should be.
- **Does the school have policies that electrical appliances and power strips be certified as safe and reliable?**
- **How much fire prevention training does the residence hall staff receive?**
- **How often do the students themselves receive fire prevention education?** This should continue throughout their academic career, not just while they are living in the residence halls.
- **How often are evacuation drills conducted?** There should be at least one per semester.
- **How often are fire safety inspections of the residence halls and student rooms done?** Are the results made available to students and parents?

Make an informed, fire-safe decision when choosing a school!

For more information, contact

CAMPUS
Firewatch

(413) 323-6002 • ecomeau@campus-firewatch.com • www.campus-firewatch.com
© 2008 Campus Firewatch

Campus
FirewatchSorted by Date and
subdivided by
academic year.This information is obtained through a review of media
sources and does not represent all of the possible fires
that may have occurred. For that reason, the actual
number of fatalities and fatal fires may be higher than
reported. Whenever possible, confirmation is obtained
from official sources.

Date	School Affiliation/Address of fire	City	State	Victim affiliation	Deaths	Acad. Year Deaths	Off	Other	On	Greek	Age	YPLL	Reported BAC
1/19/2000	Seton Hall	East Orange	NJ		3				3				
	Aaron Karol			Student							18	59.6	
	Frank Calabiolta			Student							18	59.6	
	John Guida			Student							18	59.6	
3/19/2000	Bloomsburg University 618 E. Fourth St., Bloomsburg, PA	Bloomsburg	PA		3						3		
	Alfred Clifford Vail III												
	Marcus LaBuda												
	Krostofer Polhemus												
4/10/2000	Massachusetts Institute of Technology	Cambridge	MA		1				1				
6/8/2000	Millikin University 164 Park Pl, Decatur, IL	Decatur	IL		1						1		
	Nicholas Schwalbach												
8/1/2000	NOTE: This is a partial academic year. Does not include 1999.					8							
8/20/2000	University of California 2810 Martin Luther King Jr. Way, Berkeley, CA	Berkeley	CA		3								
	Azaiea Jusay							3					
	Francisco Jusay (father)												
	Florita Jusay (mother)												
9/29/2000	University of Pittsburgh 409 S. Craig St, Pittsburgh, PA	Pittsburgh	PA		1				1				
	Joseph Marcinek												
11/16/2000	Lee College	Baytown	TX		1				1				
11/22/2000	New York University 63 Duffield St., Brooklyn, NY	New York	NY		1				1				
	Helen Carnegie												
12/10/2000	University of Dayton 414 Stonemill Rd., Dayton, OH	Dayton	OH		1					1			
	Austin Cohen												
1/1/2001	West Virginia University	Morgantown	WV		1				1				
1/19/2001	University of Georgia Law School	Athens	GA		1				1				
	Unidentified										24	53.6	
1/30/2001	University of California-Berkeley 5248 Desmond St, Oakland, CA	Berkeley	CA		1					1			
	Bradley Evans										23	54.6	
2/25/2001	Binghamton University 53 Leroy St., Binghamton, NY	Binghamton	NY		1				1				
	Evelio Figueroa										23		
5/1/2001	University of Texas 801 W 24th St, Austin, TX	Austin	TX		1				1				
	Anoor Hajee												
5/19/2001	Ohio University 60 N. High, St., Athens, OH	Athens	OH		2				2				
	Jamie Dutko, senior										22		
	Unidentified												
5/19/2001	John Carroll University 2172 Grandview Ave. Cleveland Heights, OH	Cleveland Heights	OH		1				1				
	Michael Mansman, senior										23		
7/29/2001	Emporia State University	Emporia	KS		2				2				
00/01 Total						17							
8/18/2001	University of West Virginia 723 College Avenue, Morgantown, WV	Morgantown	WV		1				1				
	Thomas M. Schwind												
8/30/2001	Anderson University	Anderson	IN		1								

7/23/2008

	Kurt Latiolais, senior			Student						22	56.6
3/8/2004	Iowa State University	Ames	IA		1		1				
	Edgar Delaplar			Student						21	56.6
5/22/2004	Indiana University	Bloomington	IN		3						
	719 N. Indiana Ave., Bloomington, IN						3				
	Jacob Surface									21	56.6
	Joseph Alexander									21	56.6
	Nicholas Habicht									20	57.6
7/31/2004	Texas A&M University	College Station	TX		2				2		
	Lamiya Zahin									4	73.6
	Rabeeya Chaundhury										
03/04 Total						12					
8/19/2004	Savannah College of Art and Design	Savannah	GA		1				1		
	540 E. Charlton Lane, Savannah, GA										
	Jane Thurber			Student						20	57.6
8/27/2004	University of Mississippi	Oxford	MS		3					3	
	William Townsend			Student						19	58.6
	Jordan Williams			Student						20	57.6
	Howard Stone			Student						19	58.6
10/17/2004	Georgetown University	Washington	DC		1						
	3318 Prospect Street NW, Washington, DC								1		
	Daniel Rigby			Student						21	56.6
4/10/2005	Miami University	Oxford	OH		3				3		
	122 N. Main St., Oxford, OH										
	Julie Turnbull			Student						21	56.6
	Kathryn Welling			Student						21	56.6
	Stephen Smith			Student						22	55.6
4/24/2005	Penn State	State College	PA		1						
	500 E. Beaver Avenue								1		
	State College, PA										
	Christopher Raspani			Student						21	56.6
4/26/2005	Southern Adventist University	Collegedale	TN		1				1		
	Kelly Weimer			Student						20	57.6
4/30/2005	University of Maryland	College Park	MD		1						
	7500 block of Princeton Ave.								1		
	College Park, MD										
	Michael Scrocca, senior			Student						22	55.6
6/7/2005	Conservatory of Recording and Arts	Chicago	IL		3						
	Sciences (note: The students were on an								3		
	internship in Chicago, IL										
	Justin McDonald			Student						21	56.6
	Tanner Osborn			Student						21	56.6
	Christopher Ross			Student						19	58.6
04/05 Total						14					
10/7/2005	North Carolina State	Raleigh	NC		2				2		
	126 - 123 Groveland Ave, Raleigh, NC										
	Mark Davis			Student						21	56.6
	Dylan Pilkington			Student						19	58.6
10/7/2005	University of Kansas	Lawrence	KS		1						
	512 Fireside Dr., Lawrence, KS								1		
	Nicole Bingham			Student						21	56.6
1/24/2006	University of Maryland	College Park	MD		1						
	7110 Rossburg Dr., College Park, MD								1		
	David Ellis, senior			Student						23	54.6
2/11/2006	Pittsburg State University	Pittsburg	KS		2						
	310 South Locust								2		
	Pittsburg, KS										
	Waylon Boots, graduated 2005			visitor						23	54.6
	Stephen Hayes, graduated 2005			visitor						21	56.6

[illegible]

Yes 0.16
0.21
0.2

*Partial year. Does not include 1999.

Campus Firewatch Fatal Firelogpublished via [Google Docs](#) - updated automatically every 5 minutes

State Fatalities

NOTE: seven of these fatalities were students from South Carolina on vacation in North Carolina	
NC	17
OH	14
WV	9
PA	9
IN	7
KS	6
MA	6
MS	6
NY	6
IL	5
VA	5
CA	4
WI	4
TX	4
MN	3
NE	3
NJ	3
AK	2
GA	2
KY	2
MD	2
MO	2
DC	1
IA	1
LA	1
MI	1
OK	1
OR	1
RI	1
TN	1
Total	129

[Overall Statistics](#) [State Breakdown](#) [Monthly Breakdown](#) [Canada](#)

APPENDIX 10

Zoning Definitions: Fraternity/Sorority House

/ Greenville County, SC

“Fraternity/Sorority House – A house or structure occupied by a college or university fraternity or sorority containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining area maintained exclusively for members of the fraternity or sorority and their guests or visitors.”

Centre County, PA (Penn State)

“A building designed for use as a residence of students or members of a Pennsylvania State University-affiliated fraternity or sorority.”

Dallas, TX

“College Dormitory, Fraternity, or Sorority House – A college resident hall or a facility for housing a social or service organization of college students.”

/ Burlington, IA

“Lodging House - A building that contains lodging rooms or rooming units, which accommodate persons and where lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house, dormitories and other similar uses not otherwise defined as a bed and breakfast.”

APPENDIX 11

Student Homes

This strategy would diminish the collective effects of dense student housing and its associated problems of litter, noise, parking, demolition by neglect of housing stock and alcohol abuse. Student houses would need a permit from the LFUCG with a small annual fee that would pay the costs of periodic inspections every two or three years for life safety codes. This would identify the student homes and allow revocation of the permit if repeated violations of the law should occur. Also it would allow a density standard to be established. Most university communities have found that if 50% or less of houses in a neighborhood are occupied by undergraduate students, the problems cited above are ameliorated sufficiently to attract single family home owners to purchase property and live in the area. This would sustain neighborhoods for both the students and the permanent residents. Permits would be grandfathered so that homes could remain as a student use unless the permit lapses.

Associated with this is a home buy back program when student use ceases. The city would buy the home, rehabilitate it for R1 or R2 use, retain the land in a land bank and sell the structure with the stipulation that the buyer occupy the structure. This would create properties at an affordable level and for the Live Where You Work Program.

APPENDIX 12

OFFICE OF OFF-CAMPUS STUDENT SERVICES

This Proposal is modeled after a successful program currently being used at the Ohio State University (OSU). The details are listed in Appendix 4 specifically as Roman numeral one only. OSU had been down this road many years before Lexington due to the size of its university and the success of its athletics programs which included many alumni returning to campus to visit their children living in off campus housing. OSU developed this program to help give better service to the 80% of students that live off campus and to build better relationships with the entire community. Ohio State established an office of "Off Campus Student Services" and hired a director to coordinate the services. This director, through his authority over the students and his relationship to community leaders, has been the key to the success of this office.

Primary aspects of the program include; 1) Commuter Student Services; 2) Housing Services; 3) Rideshare & Carpool Listings; 4) Community Ambassadors Program (like RA's in the dorm); 5) CampusTrades.osu Buy, Sell, Trade; 6) A newsletter ("CONNECTION") for communication to off-campus students.

Lexington's role would be to assist UK officials in recognizing that they already perform approximately 75% of these services and in recognizing the need to have them re-organized into one program that would be a "win-win" for the entire community. The focus would be primarily on 2) Housing Services that:

- Conducts a voluntary program for campus area landlords, property managers and realtors with ethics standards and safety requirements for all student housing.
- Provides listings on a website of available off-campus housing with links.
- Hosts an annual housing fair to educate students on do's and don'ts of renting off campus.
- Assists students with move-in and move-out inspections.
- Provides a ratings list of landlords, property managers, and realtors (based on on-line voting by students). This helps students & parents make better housing choices and creates competition among landlords to better serve students.
- Helps assure that units are in good repair, meet safety requirements and gives notices to landlords of deficiencies, but does not report to code officials unless in the defense of a student.
- Provides a lease checklist, and legal clinic that offers free lease reviews for students.
- Holds regular meetings with landlords to keep them informed of programs and create good will.
- Runs a Community Ambassadors program, in which student ambassadors are paid a modest monthly stipend by the University. Duties are similar to a resident advisor (RA) in a campus dormitory, and the office tries to locate at least one ambassador per block in the university area. Concept is to retain trustworthy RA's that wish to leave dormitory life and create leaders that have a positive community influence.

This program attempts to address both behavioral Issues and maintenance issues. It emphasizes personal responsibility as it applies pressure directly on the violators whether that is the student or the property owner.

Possible financing sources discussed are: 1) Creating an off-campus student fee; 2) Initial capitalization from private sources (landlords, business community); 3) Community neighborhood grants; 4) State /Federal grant programs; 5) UK appropriation; 6) City; 7) Collaborative Funding Schedule, such as the following:

<u>Year</u>	<u>Landlords</u>	<u>Neighborhoods</u>	<u>City</u>	<u>UK</u>
1	1/3	1/3	1/3	0
2	1/6	1/6	1/6	1/2
3	1/12	1/12	1/12	3/4
4	0	0	0	1

APPENDIX 13

UNIVERSITY DISTRICT

This proposal flows from two premises: (1) that it is beneficial for the larger community to have University of Kentucky students clustered tightly around the University; and (2) it is necessary to impose certain restrictions and obligations upon areas with high concentrations of University students in order to ameliorate the impacts of clustering large numbers close to the University.

The proposal would require identifying those areas that have a certain percentage (e.g., 50%) or more of the properties devoted to student housing. Such areas would be placed within a student housing overlay zone which would permit reduced open space, reduced side and back yard requirements (except where student housing abuts non-student housing), and increased side yard parking on approved surfaces.

The zone would be placed in a special housing district, with an appropriate increment to the property tax from which owners of non-rental properties could claim exemption. The proceeds of the tax would be dedicated to additional safety lighting, additional garbage/solid waste collections at typical move-in and move-out times, acquisition and development of permit only off-street parking sites, stepped up police patrolling, trash and debris policing, etc. Within the district, there would be limits on the number of full-time occupants per building based upon the number of bedrooms, periodic fire safety inspections, and off-street parking requirements. The district would also have special regulations imposing various types of liabilities and fines directly upon tenants under appropriate circumstances, including enhanced fines for littering and subsequent offenses of trash and debris on properties. The tenants would also be liable for fire safety violations, including disabling or dismantling smoke detectors, blocking exits, and so forth.

The University district also envisions a number of private sector actions, including the establishment of a property owner's code of conduct, property maintenance standards, and a property certification process, and the creation of a tenant code of conduct and responsibility, as well as other matters which could be made uniform in all student housing leases.

APPENDIX 14

Preferred student housing pilot program

This program is based on some ideas from the OSU model. We would start with no more than 50 individual addresses, which should have a very minimal cost to get started. We would have an initial inspection of the properties and then have following inspections annually as more locations are added that would start to stagger the inspections so that they are not all due at the same time. I would like to see the program grow and incorporate more of the OSU model in time but be modified for UK and Lexington.

Benefits:

Rental units inspected and provide a safe environment to live.

Voluntary but will economically influence other property owners to participate.

Renters required to maintain a higher standard.

Possibly increase rent to preferred locations.

Promotes UK

Etc...

Landlords:

Student housing will be inspected for safety issues and held to a set of standards above the current minimum standards. Landlords/property management will also include above minimum standards in their leases agreements with students who rent from the preferred student-housing list. (Current standards?)

- Provide contact information for every person on the lease (phone #, Email, secondary address)
- Limit the amount of persons for a gathering without notice to the property owner.
- Beer kegs or large volume dispensers (above 1 liter) not allowed on the premises.
- Trash and debris including cigarette butts are not allowed to be in the yard.
- Residents and guests are prohibited from placing any furniture or other material on the roof or accessing the roof area other than for fire or similar type emergency.
- Residents will maintain the leased premises in a clean and sanitary condition at all times, including disposing of garbage and all other

waste promptly by placing it in plastic trash bags in the roll cart or dumpster provided and making sure the same are taken to and from the street curb at the proper times so they may be emptied.

- Property owners will have a pre-defined set of fees/fines that will be levied against residents if federal, state, local laws and/or ordinances are violated.
- Landlords will limit resident density.
- Property management will respond the following day to survey for any property damage, trash and debris violations, and provide notification to the occupants of the residence when there has been a police call to the listed address.

University of KY:

The University will:

- Provide a list of properties that can be accessed by parents and students that will list the address and contact information of the property.
- Promote these locations as preferred properties that have met more than minimum standards when inspected. This list will be maintained and updated periodically. (Determine how often to update; who will provide information).
- At some point in the future, the University will take over the role of Program Coordinator.

Residents:

Residents will be held to higher standards. Residents will be expected to follow all federal, state, and local laws and ordinances mandated by the city of Lexington, KY and obey all provisions of the apartment lease/contract. In the event residents break any of these laws, ordinances or provisions, the owner may issue a fee/fine to the residents for each occurrence depending upon the nature of the offense and considering the owner's administrative costs. Residents may also be required to pay any civil penalty along with any legal costs the owner may incur as a result of the residents infraction.

Residents will be required to adhere to the following:

- Residents will abide by all lease agreements.
- Provide contact information for every person on the lease (phone #, Email, secondary address)
- Limit the amount of persons for a gathering without notice to the property owner.
- Beer kegs or large volume dispensers (above 1 liter) not allowed on the premises.

- Trash and debris including cigarette butts are not allowed to be in the yard.
- Residents and guests are prohibited from placing any furniture or other material on the roof or accessing the roof area other than for fire or similar type emergency.
- Residents will maintain the leased premises in a clean and sanitary condition at all times, including disposing of garbage and all other waste promptly by placing it in plastic trash bags in the roll cart or dumpster provided and making sure the same are taken to and from the street curb at the proper times so they may be emptied.

City:

The City will provide resources for inspections such as Code Enforcement, Building Inspection, Fire Marshal, etc.

Neighborhood Involvement:

Neighborhoods will provide volunteers to personally meet students at their residences. They will provide a positive contact and give each student a welcome packet containing information such as the Student Source Book, neighborhood association materials, contact information and other resource material. They will continue to outreach to student residents for ongoing communication. They may possibly have neighborhood events such as Seven Parks. Efforts should be directed at involving students so that they will cultivate responsibility, ownership, and pride in where they are living.

Program Coordinator:

The Program Coordinator

Will work with landlords, the University, students, the City and the neighborhoods.

The Program Coordinator will:

- Pull a list of daily police calls for service to monitor any calls involving preferred property addresses.
- Notify the property management of those addresses. Property management will respond the following day to survey for any property damage, trash and debris violations, and provide notification to the occupants of the residence.
- Maintain files on landlords who want to participate in the program.
- Provide safety tips.
- Follow up to determine the nature of the call and its disposition.
- Assist with mediating disputes.

- Coordinate a housing fair with the University in the fall.
- Develop Community Ambassador Program (like RA's in the dorm)

Notes

Cooperation from Code Enforcement to write up tenants and not property owners

Properties will be stickered or have some type of designation placed on the door/window. If an officer responds to this address, he/she will know to contact the Program Coordinator. The PC would then follow up with the landlord/property management.

Fines/administrative costs - initially fines would go to the Neighborhood Association that the property is found within or could go towards the program to assist with being self-sustaining or at least partially fund it. Initially the majority of properties that participate in the pilot project would need to be in a geographically diverse area

What is above current standards?

- smoke detectors in every room, although they wouldn't have to be hardwired
- CO2 detectors
- fire extinguishers
- Safe by design project
- etc(Minimal cost impact)

ADMINISTRATIVE FEES LIST FOR THE LANDLORD. THERE WOULD BE AN ADDITIONAL FINE THAT WOULD GO TO THE NEIGHBORHOOD ASSOCIATION/ PROGRAM (not listed at this time in the chart)

Picking up Trash, Limbs & Other Debris	\$5-50/occurrence
Picking up Cigarette Butts off ground	\$5 each
Pacing Trash Containers to & from Curb	\$5/occurrence
Placing Recycling Containers to & from Curb	\$5/occurrence
Keeping Porches & Decks Neat and Clean	\$5/occurrence
Issuance of a "Party Plan Property" designation or unauthorized party	\$100/Resident
Exceeding the number of allowed people on the premises	\$25-100/Resident
Issuance of an alcohol or noise ordinance violation	\$100/occurrence
Violating any portion of the Gatherings/Parties clause	\$25/occurrence + damages
Driving across or Parking in undesignated areas or unpaved surfaces	\$50/occurrence
Disconnection of any smoke detector for any reason	\$20/occurrence + damages
Using charcoal grilles on decks or wood porches	\$25/occurrence + damages
Involvement of Owner by Law Enforcement for any reason	\$100/occurrence
Involvement of Owner by Code Enforcement	\$25-100/occurrence & as charged by city
Climbing on any roof or gutter	\$25/occurrence + damages
Any type of Fines, fees or civil penalty issued by the City	\$5-100/occurrence & As charged